# A HANDBOOK TO

# POLITICAL QUESTIONS OF THE DAY



FIFTH EDITION

*SYDNEY C. BUXTON*

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# POLITICAL QUESTIONS OF THE DAY.

Bacon, in his "*De Augmentis Scientiarum*," gives a list of subjects for books which he has not time to undertake himself, and which he recommends to posterity; among them, "a collection of studied antitheses; or short and strong sentences on both sides of the question on a variety of subjects."

# A HANDBOOK

TO

# POLITICAL QUESTIONS OF THE DAY.

WITH THE ARGUMENTS ON EITHER SIDE.

BY

SYDNEY BUXTON, M.P.,
AUTHOR OF "POLITICAL MANUAL," ETC.

FIFTH EDITION.



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TWENTY YEARS OF FINANCE,

1860—1880.

# PREFACE.

In 1866, my father—Charles Buxton, M.P.—published a small book, entitled "Ideas of the Day on Policy," the aim of which was to show what were the actual principles at that time swaying public opinion on the more important questions of the day.

That this book has been of use to many, by way of reference and help to the better understanding of political questions, I have often been assured; and it seemed to me, that, without infringing on the plan of the "Ideas," there was room for a handbook on somewhat similar lines, which might be not altogether useless. Instead of the arguments being reduced to ideas, the arguments themselves, which govern each question, might be placed side by side, with the view of clearing the ground, and with the hope that some student of politics might be the better able to accept the true and reject the false, and so arrive at just conclusions.

In carrying out this intention, my plan has been to give

the main and real arguments advanced on each side of the chief questions of domestic Policy. Each argument is capable of illustration, and in different minds they branch out into varying forms; but my endeavour has been to sketch the central stem only, from which all these various forms proceed. Where I have thought it advantageous, I have prefixed a short paragraph explanatory of the subject discussed, bringing it up to date.

No doubt many important arguments are overlooked, but in some cases an argument, supposed by the critic to have been omitted, may be really contained in one of those set out. I have endeavoured to be perfectly impartial, and to give every genuine argument which has been advanced on either side of each question; it is probable, however, that I have fallen short of entire impartiality.

It will be seen that occasionally arguments used by some are cheek by jowl with those used by antagonistic others, and yet they are equally advanced to prove the same point. This is unavoidable, so long as men with different aims and views attack or defend the same citadel from opposite quarters.

During the fourteen years which have elapsed since the "Ideas of the Day" was published, many of the questions then prominent have sunk into the obscurity of realisation; while a large number of questions, then either not hatched,

or thought to be too callow for notice, now strut full-fledged before the view. Again, some subjects there discussed have remained stationary, while others have advanced a few, or many stages, on the road to accomplishment.

It may be of interest to tabulate the questions under these four heads; and we find that amongst the subjects dealt with in the "Ideas" and since decided, are, Church Rates, Irish Church, Irish Land (partially), University Tests, Revision of the Bible, Final Court of (Clerical) Appeal, National Education (in one aspect), Reform and Redistribution (from the aspects then considered), Ballot, Limited Liability, Strikes, Game Laws (partially), Charitable Trusts, Purchase, Competitive Examinations, etc.* Of subjects not there discussed, but now before the public, are, Burials Bill, Education (in certain aspects), County Franchise (with its attendant Redistribution), Women's Suffrage, Registration of Land Titles, Distress, Tenant Right, Local Taxation, Local Self-government, Local Option, Gothenburg System, Sunday Closing of Public-houses, Sunday Opening of Museums, Reciprocity, Irish Land Questions (in their present aspect), etc.† Of subjects

* To these may now (June, 1885) be added Flogging.

† Of these, the following are now (June, 1885) decided:—Burials Law, County Franchise and Redistribution, and Tenant Right: while Irish Land, Sunday Closing of Public-houses, and Distress have been partially dealt with.

there discussed, but which have made but little advance, may be quoted, the Representation of Minorities, the Permissive Bill, Marriage with Deceased Wife's Sister, Abolition of Capital Punishment, and Bankruptcy—this last, however, through no want of attempted amendment; among those which have advanced in popularity, but are not yet accepted, are, Disestablishment, Home Rule, Reform of the Laws relating to Intestacy and Entail, and Abolition of Flogging in the Services; while Redistribution of Seats, has to be reconsidered from a fresh point of view.*

I have confined myself to questions of Home Policy; of these some more or less important ones have been perforce omitted, and the book in no way pretends to be complete.

I am much indebted to friends for advice and assistance.

SYDNEY C. BUXTON.

7, Grosvenor Crescent,
*June*, 1880.

* Since the above was written, flogging has been abolished, in 1880; the evils of Entail have been largely diminished by the Settled Land Act of 1882; Redistribution has been drastically carried out, in 1885.

# PREFACE TO FOURTH EDITION.

The kind reception accorded to this Book, as well as to the "Manual"—a modified form of it,—has encouraged me to bring out a fourth edition, which is to a large extent a new book. This edition contains such new subjects as *Reform of the House of Lords, Exclusion of Bishops from the House of Lords, Irish Franchise* (from the present point of view), *Proportional Representation, Leasehold Enfranchisement*, and *Cremation*. The sections on *Franchise Reform, Women Suffrage, Illiterate Voters, London Municipal Reform, Distress, Tenant Right*, and *Home Rule* have been largely re-written; and the rest of the book has been carefully revised and brought up to date. The sections which appeared in the third edition on *Burials Bill, Game Laws, Grand Committees, Irish Land Laws*, and the *"Three F's"* are now omitted.

In the preface to the first edition, I referred to the rapid changes which take place in social politics, and in those to the second and third editions (now omitted) I noted the questions which had in the intervals, either been settled and therefore no longer required treatment, or had come into prominence and therefore required notice.

As a sort of political chronology,—as a record of four years of Liberal legislation, and of the growth of public opinion,—it may be of interest briefly to summarise the

changes which have occurred since this book was first published in June, 1880.

The questions of the Burials Law, the (ground) Game Laws, Flogging, and English Tenant Right have been settled; the advantage of compulsory education has ceased to be an open question; no one now doubts that the Ballot will be made permanent; the laws of Distress and Entail have been largely modified, and Grand Committees have been adopted by the House of Commons. Reform and Redistribution have entered on a different and more acute phase; Minority voting has come to be discussed; whilst the Irish Franchise—which in the preface to the second edition (Oct. 1880), was mentioned as having been thrown out by the Lords after passing the Commons, and promised as a Government measure for the following session—is now almost sufficient to wreck a general Reform Bill. London Municipal Reform has made enormous strides, and a Bill was this year actually introduced, and practically read a second time; the reform of Local Self-Government and Local Taxation is generally acknowledged to be the next great reform which must be undertaken; while even Home Rule is now recognised as open to discussion. The questions of the Reform of the Lords, and the Exclusion of the Bishops from the Upper House, have come within the range of practical politics. Much has been done in the matter of Irish Land, and the question has passed through various phases; now, with the exception of the granting of further facilities for the purchase of their holdings by the tenants,* and of the inclu-

* I have not attempted to deal with this question here. There is a general agreement as to its advisability, but a difference of opinion as to details.

sion of leaseholders under the Act of 1881, few practical points remain to be discussed. "Local Option" has made a great advance in public favour since the abandonment of the Permissive Bill, and Sunday Closing is more popular. Cremation, and the Enfranchisement of Leaseholds, have been discussed in the House, and the latter has become a "burning question"; and Reciprocity or "Fair Trade" has fitfully put in an appearance. Disestablishment, Free Schools, Canvassing (except that paid canvassing is now practically prohibited), Disfranchisement, Capital Punishment, Marriage with Deceased Wife's Sister, Sunday Opening of Museums, etc., stand about where they did in 1880; while Women's Suffrage has probably somewhat receded in favour. "Obstruction," which, in view of the proposed "New Rules," was discussed in the second edition, was omitted from the third, in the touching confidence that "rules calculated to deal with obstruction have been adopted by the House of Commons"! *

I have confined the record to subjects which have been dealt with in this book, many subjects having been omitted therefrom, some because I felt myself incompetent to deal with them, others because they were not suited for the mode of discussion here adopted.

It has often been my desire to add a second volume, dealing with matters of Foreign, Colonial, and Indian Policy; but the difficulties of treating these subjects on anything

* This confidence not having been justified, a section on "Reform of the Procedure of the House of Commons" is inserted in this (the fifth) edition, which deals, however, with the question generally, and not merely with Obstruction.

approaching the plan adopted in this book, have been so great, that as yet I have not carried out my intention—and perhaps I never shall.

It was in no way the object of this book, as some have supposed, to point out which arguments are weighty, which worthless, which are sound, and which rotten; nor to arrange the arguments in the order of their importance. Its existence will, I hope, have been justified, if, by placing side by side the feeble arguments and the strong, the mischievous with the good, it should induce any to hold this or that opinion, because they are convinced of its truth, and not merely because their fathers held it, nor simply because it is a party cry; and should persuade them, not—like Croaker, in "The Good-natured Man"—to be fixed, determined, and thereupon ask the other side to produce their reasons, because these can then do no harm; but to weigh well the arguments, and make up their minds on the merits of the question. If, moreover, the book, by showing how much sound argument can usually be urged on the "other side of the question," should in any degree teach toleration, it will have been of some practical use.

I have to thank friends and critics, for the kind way in which they have received this little work, and also for valuable suggestions towards its improvement.

S. C. B.

15, Eaton Place,
*September*, 1884.

# NOTE TO THE FIFTH EDITION.

The new matter contained in this edition consists of a section on "*Reform of the Procedure of the House of Commons*," and—included in the chapter devoted to "Church and State,"—sections more especially referring to *Scotch and Welsh Disestablishment*.

The arguments for and against *Reform*, *Redistribution*, and *Irish Franchise* have been omitted, those questions having been for the present settled, but it has been thought that the historical sketch would remain a matter of interest. The whole book has been carefully revised, and several new arguments have been added.

As a pendant to the summary, given in the Preface to the Fourth Edition (published nine months ago), of the growth of reforms in public favour, it may be well to note, that since then (September, 1884), the largest measure of Reform and Redistribution, ever attempted, has been placed on the Statute Book, Proportional Representation has been rejected by the House, and the question of Direct *versus* Indirect taxation, has been brought prominently forward.

*July*, 1885.

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# HANDBOOK TO POLITICAL QUESTIONS.

## CHURCH AND STATE.

The fundamental doctrines of the Church of England—which is Protestant Episcopal—were agreed upon in Convocation in 1562, and revised, and finally settled, in 1571 in the form of the Thirty-nine Articles. The Queen is the supreme head of the Church, and possesses the right of nominating to the vacant archbishopries and bishopries.

There is no official record of the numbers of the members of the Church of England, or of the other religious bodies. Since 1831 no official returns of the revenues and properties of the Church of England have been issued, it is therefore impossible to give any authoritative statement, or even estimate, of the extent and value of the Church property.

The Church Enquiry Commission, appointed in 1831 to enquire into the revenues and patronage of the Established Church in England and Wales, gave the number of incumbents as 10,718, of curates 5,230, total 16,000; the number of glebe houses at 7,675, and benefices without glebe houses 2,878, total benefices 10,553.

| | | |
|---|---|---|
| The total net incomes of | Bishops and Archbishops at | £160,300 |
| „ „ | Cathedral establishments ... | 157,500 |
| „ „ | Beneficed clergy, and curates | 3,480,000 |

showing a total revenue of, say £3,800,000.

The most carefully prepared statistical estimate of the existing revenues and property of the Church of England is that of Mr. Fred. Martin in his "Property and Revenues of the English Church Establishment."

The number of the clergy in 1875, according to an elaborate report compiled by Canon Ashwell from the "Clergy List," and other sources, and laid before a Select Committee of the House of Commons, was as follows:—

| | | |
|---|---|---|
| Church Dignitaries ... ... ... | 172 | |
| Incumbents holding benefices ... | 13,300 | |
| Curates ... ... ... ... ... | 5,765 | |
| Clergy in churches, &c. .. ... | | 19,237 |
| Ordained Schoolmasters and Teachers | 709 | |
| Chaplains, Inspectors, &c. ... ... | 465 | |
| Fellows of Universities, Missionaries, &c. | 434 | |
| "Unattached Clergy" ... ... ... | 3,893 | |
| | | 5,501 |
| Total ... | | 23,738 |

The revenues of the beneficed clergy, as given in the "Clergy List" for 1880, are as follows:—

| | Number. | Total revenue. | Average revenue. |
|---|---|---|---|
| | | £ | £ |
| Benefices under £50 ... ... | 167 | 5,747 | 34 |
| ,, from 50 to £100 ... | 854 | 71,265 | 83 |
| ,, ,, 100 to 200 ... | 3,034 | 450,991 | 148 |
| ,, ,, 200 to 500 ... | 7,289 | 2,298,598 | 315 |
| ,, ,, 500 to 1,000 ... | 1,913 | 1,238,766 | 647 |
| ,, of 1,000 and upwards | 268 | 329,824 | 1,230 |
| ,, not valued ... ... | 334 | 114,194 | — |
| Totals ... | 13,525 | £4,395,251 | 325* |

The ecclesiastical census of 1851 gives the latest official information respecting the number of religious edifices belonging to the Church of England, as follows:—

* "Financial Reform Almanac," 1881; Analysis of "Clergy List," p. 69.

| | Number. |
|---|---|
| Churches existing at census of 1801 ... ... | 9,667 |
| „ built between 1801 and 1811 ... ... | 55 |
| „ „ „ 1811 and 1821 ... ... | 97 |
| „ „ „ 1821 and 1831 ... ... | 276 |
| „ „ „ 1831 and 1841 ... ... | 667 |
| „ „ „ 1841 and 1851 ... ... | 4,197 |
| „ „ at dates not mentioned ... ... | 2,118 |
| | 14,077 |

The number existing now is estimated at 16,000.* Various statutes have from time to time been promulgated with the view of assisting the erection or repair of churches from the public funds. In 1679 a rate was ordered to be levied to rebuild the churches of the City of London destroyed during the fire of 1666. Three years later it was followed by an Act imposing a tax on coals for the re-building of St. Paul's Cathedral and fifty other churches. Other Acts, with like intent, were passed during the reigns of James II., William III., Anne, and George I.; and in 1818 an Act was passed "to raise the sum of one million sterling for building and promoting the building of additional churches in populous parishes." The census report of 1851 gave the following as the proportionate grants from public funds and private benefaction during the years 1801–1831:—

| | Grants from Public Funds. £ | Private Benefaction. £ | Total. £ |
|---|---|---|---|
| Period 1801–1831 ... | 1,152,000 | 1,848,000 | 3,000,000 |
| „ 1831–1851 ... | 511,400 | 5,575,600 | 6,087,000 |
| Total ... | £1,663,400 | £7,423,600 | £9,087,000 |

The Church Building Commission, established by the statute of 1818, during the 38 years of its existence ending 1856, aided in the completion of 615 churches, with sittings for 600,000 people. This Commission was in 1856 merged into the Ecclesiastical Commission, and from 1818 to 1879

* Martin, "Church Revenues, &c.," ed. 1878, p. 98.

the power entrusted to these bodies of forming new benefices and districts, was exercised to the extent of constituting 2,963 new districts. During the seventeen years, 1856 to 1874, the amount of benefactions offered to the Commissioners by private individuals amounted to £5,000,000.

In 1876 an official return was issued of churches built or restored since the year 1840, at a cost exceeding £500. The return (which was very imperfect) showed that, during these thirty-five years, 1,727 churches had been built, and 7,144 restored, at a cost of £25,500,000, or about £700,000 a year; and this sum was derived from voluntary offerings.

Mr. Martin estimates the number of glebe houses at 10,000, and their annual value at about a million sterling. The number of benefices producing tithes, (inclusive of lay impropriations) also at 10,000, with a total tithe of £4,500,000 a year.* The titheable land is about two-thirds of the whole. At the end of 1866—according to a Parliamentary return—the total rent charge awarded in commutation of tithes amounted to £4,050,000. The levying and assignment of tithes has given rise to a vast amount of legislation, dating back as far as the ninth century.

The revenues which the Church derives from pew rents, offertories, and gifts cannot of course be estimated; they are purely voluntary offerings.

The summary of Church Property given by Mr. Martin is as follows, in round numbers :—

Landed Property (from the "New Domesday Book"):—

| | |
|---|---|
| Of Archbishops and Bishops ... ... | 30,200 acres. |
| „ Deans and Chapters ... ... ... | 68,900 „ |
| „ Ecclesiastical Commissioners ... | 149,900 „ |
| Under-valuation, omission of Metropolis, etc. ... ... .. | 250,000 „ |

say 500,000 acres.

* Martin "Church Revenues," pp. 107–108.

Revenues :—

| | £ |
|---|---|
| Annual income of 2 archbishops and 28 bishops ... ... | 163,300 |
| „ „ 27 chapters of deans and canons ... | 123,200 |
| „ incomes of parochial clergy ministering in 16,000 Churches or Chapels, chiefly derived from tithes | 4,277,000 |
| | 4,563,500 |
| Annual value of 33 episcopal palaces ... ... ... ... | 13,200 |
| „ „ deaneries, etc. ... ... ... ... | 56,800 |
| „ „ glebe houses and of parochial clergy ... | 750,000 |
| | £5,383,500 |

This total is exclusive of extra-cathedral revenues, of disbursements of Queen Anne's Bounty, of surplus income of Ecclesiastical Commissioners, estimated together at about £750,000. The total annual revenue may therefore be estimated at about £6,000,000, and the capital value at not less than £100,000,000.*

There is no basis of any kind existing on which to define, or estimate, the "old" and the "new" endowments of the Church.

## DISESTABLISHMENT.

The proposal to sever all connection between Church and State, both in Scotland and England, is upheld on the grounds :—

1.—That as all men are not religious, while all are equally desirous to be protected by the State, it should not mix up its Civil with its Religious functions ; but should be purely secular.

2.—That the national Church in former times expressed a national faith, and aimed at national unity of belief, and

* *Idem.* pp. 133–136.

uniformity of worship—such aims are now no longer feasible.

3.—(*a*) That while the State should be tolerant of all religious sects, nowhere ought it to choose out and uphold any special Church at all. That in so doing the State outstrips its true field of work, and trespasses on freedom of religious thought and religious equality, if not directly at all events indirectly, by taking one Church under her protection, and by conniving at her possession of vast property; and so State recognition of a special Church places those who do not belong to her communion, or who desire to leave her fold, in a position of exceptional pecuniary and social disadvantage.

(*b*) That this direct and indirect pressure to remain in, or to join the State Church, is an injustice to other Churches; and all State institutions should be founded on the principle of impartial justice.

4.—(*a*) That the connection of Church and State causes the secularisation of the Church, for the law is not only the last, but the first resort in all Church differences—to its great spiritual disadvantage.

(*b*) That as long as the Church is bound up with the State it must be controlled by the State, *i.e.*, by Parliament; and Parliament, being largely composed of members of all sects and creeds, is a body eminently unfit to govern the Church, or to legislate on religious questions.

(*c*) (By some). That it is contrary to religion that the secular power should have any voice at all in religious matters; the Church ought in no way to be placed under the control of the State.

5.—(*a*) That under the present system the Church is in a state of anarchy; none govern, and none obey; rules and regulations cannot be enforced.

(*b*) That the congregation have no power of choice in

their minister; and none of freeing themselves of him, unless he commit an illegal action, however objectionable he may be to them either in doctrine or habit.

(*c*) That thus, in many parishes, there are incumbents utterly unfitted for their duties, either through physical incapacity, or because of want of sympathy with their parishioners—to the great detriment of the Church and of religion.

6.—(*a*) That the State recognition of one Church injures those whom it favours, and depresses and angers those whom it wrongs—whereby religious strife is perpetuated.

(*b*) That if dissenters were relieved from an irritating injustice, and churchmen deprived of a position of superiority, religious differences would lose much of their sting, and social exclusiveness would be diminished.

7.—(*a*) That there is more vitality in a religion voluntarily supported, than in one largely endowed.

(*b*) That if the Church were liberated from the shackles now laid upon her by the State, she would be freer to do good; would be able to consolidate her forces, and distribute them more according to the needs of the people; instead of, as now, too often wasting them in places where they do more harm than good.*

(*c*) That the withdrawal of State recognition from the Church, by placing her on a more even footing with her competitors, would increase friendly rivalry and competition, and would tend to make each and all bestir themselves; religious life would be quickened and extended.

(*d*) That thus, instead of the neglect of the poor anticipated by some, there would be active competition to enlist their sympathies, and not, as now, an assumption that they belonged to the State Church.

* Compare also paragraph 6 of Disendowment, on p. 13.

8.—That if the Church is unable to hold her own without State support, it proves that she is rotten to the core—and if rotten she ought to be swept away.

9.—That the Church Body, constituted as it would be with a majority of its members laymen, would fully represent the views of the laity, and while keeping the clergy in check, would be able to initiate reforms where thought expedient. At present even though laity and clergy agree, substantial reforms cannot be adopted.

10.—That such at present is the rigidness of the terms of admission into the ministry, that broad-minded men are less and less able to join the Church, and narrow-mindedness and sacerdotalism is rapidly increasing; disestablished, the Church would be placed on a broader and freer basis.

11.—That promotion would be more according to merit. Patrons would disappear, and congregations would seek out efficient men; while the Central Body would be in a position to compare the merits of individual clergy.

12.—(By some). That at present, instead of the Church being a bulwark against Papal aggression, she has become a nursery for Roman Catholicism.

13.—(*a*) That the Established Church (more especially with regard to Scotland and Wales) is the Church of a minority, and the numbers of her flock are diminishing.

(*b*) That unless an Established Church is the Church of a majority—of an overwhelming majority—her existence has no justification.

14.—That if the reform is to come, it is better to prevent excitement and bitterness on the subject by calm anticipatory legislation.

The connection between Church and State is upheld on the grounds :—

1.—That the State, as a State, while professing absolute toleration, must be religious, and must therefore profess and uphold some religious faith.

2.—(By some). That each man is bound to yield up his mind to the teaching of the Church, and has no right to choose out another faith for himself ; or, at any rate, has no claim to have his dissent recognised by the State, which, being in union with the Church, professes her faith and none other.

3.—(By others). That though the State may tolerate, it must in no way recognise dissent from the Established Church.

4.—That it is better that religious worship should be regulated by the law, than that it should be left altogether to individual clergy.

5.—That as an Established Church is a vital part of our institutions, and bestows great blessings on the whole people, the advantages of its existence more than counterweigh the consequent disadvantages of religious inequality.

6.—(*a*) That so long as there is an Established Church, every individual in the kingdom, whether he belong to any denomination or no, who may be suffering from spiritual distress, has an official spiritual councillor to whom he has a right to apply ; and a Church accessible to him for all purposes of worship.

(*b*) While under a purely voluntary system the clergy would be only really accessible to the members, or possible members, of their flocks ; and their public functions would disappear.

(*c*) And that as the different churches would be sustained by voluntary subscriptions, the clergy would have to bid for

the support of those with means. Their time and attention being thus largely absorbed, the poor, the indifferent, those who cannot or will not contribute, those in short who are especially in need of spiritual aid or seasonable advice, would be perforce neglected.

7.—That the clergy would tend to become more and more mere servants of their congregations, and much freedom of thought, liberty of ideas, and elevation of mind, would be suppressed and lost.

8.—(*a*) (By some). That the Church would be impoverished, and only able to offer small stipends, and would therefore attract a lower and less educated class of men to her ministry, and religion would grievously suffer in consequence.

(*b*) And that she would, through lack of means, be obliged to a considerable extent to contract her operations, both religious and educational, with the same disastrous results.*

(*c*) That in many parishes the clergyman is the sole centre of civilizing influence; disestablishment, by contracting the operations of the Church, would injuriously diminish this invaluable influence.

9.—(*a*) (On the other hand, many are possessed with the idea) That the disestablished Church Body being left, as it would be, with large and uncontrolled powers, and having at its disposal a large capital, would inevitably tend to become an exclusively, or predominantly, clerical body; the control of the State over the clergy can alone uphold the interests and influence of the laity. All who differed from the dictum of the Church Body would be driven out of the fold, and the Church would split up into innumerable fragments; intolerance and strife would be increased and perpetuated.

(*b*) That the connection of Church and State is the

* Or against this, compare paragraph 6, p. 13.

best guarantee that the religion of the country will be kept broad and comprehensive; while it secures a certain amount of liberty and freedom from ecclesiastical tyranny and dogmatism.

10.—(By some). That the existence of such a wealthy, powerful, and independent body, as the Church would become if disestablished, might be dangerous to the Commonwealth itself.

11.—That if the Church obtained perfect independence of action, her conflict against Dissent would be sharpened and embittered.

12.—That as every one is free to remain in the Church, or free to leave, and as her ordinances are not forced on any one, the presence of an Established Church cannot be a material, and is therefore no more than a sentimental grievance.

13.—The idea also has some currency, that if the Church of England is weakened at all, the Roman Catholic Church will gradually become the most powerful denomination, and will obtain supreme sway in religious matters.

14.—(*a*) (The argument which is urged against every reform is also used in this case)—That other institutions are threatened and weakened if one is pulled down.

(*b*) That Disestablishment would dangerously touch even the tenure of the throne; that the Establishment and the Monarchy are necessarily linked, while voluntaryism is Republican and Democratic.

15.—Many deny the principle of an Established Church, but refrain from seeking to sunder the Church from the State, on the ground, that institutions which have grown with the nation's growth, ought not to be torn down because fundamentally misplaced.

16.—And others, while equally denying the principle of the union of Church and State, are in favour of retaining

the existing state of things, on the ground, that any attempt to sever the connection would cause endless confusion, strife, and heart-burnings. It is better to leave bad alone than run the risk of making it worse.

[There is a large class who—not wishing for Disestablishment if the Church can be reformed, or will reform herself—desire to see her remodelled on a more popular basis, that she may be made wide enough to include all English Christians; holding the principle, that the Established Church was made for the people, and not the people for the Established Church.

On the other hand, it is contended, that, though undoubtedly, and with advantage, the foundations of the Church might be broadened, mere reform would never attract to her the other religious bodies.

She would not, by internal reform, attract the members of other sects, but those alone who, if not Churchmen, would be nothing. Thus existing grievances would be in no way diminished.]

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## DISENDOWMENT.

Along with Disestablishment is raised the question of Disendowment: how far the Church, if Disestablished, should be allowed to retain her present possessions; or how far they ought to be handed over to the State to be applied to other purposes.

Those in favour of a certain measure of Disendowment uphold their proposals on the grounds:—

1.—That property given to the State Church was intended

for the public good, and ought to be used for the public good, and should not be applied for the benefit of one section only of the people.

2.—That the present Church has no real right to its old endowments; they belonged to the Roman Catholics, and were appropriated by the State, therefore, if not National, they would have to revert to the Roman Catholics.

3.—That the Church has equally no right to its more modern endowments, which have been presented to the Church — as the Protestant Church — when it included all or most Protestants; these endowments were intended for the use of the nation and not for that of a particular denomination; they therefore belong to the nation.

4.—That tithes, which constitute the chief support of the Church, were in no way voluntary offerings, but were imposed by the State for the support of a National Church; and should therefore revert to the State in case of disestablishment.

5.—Some think that the existence of glebe lands brings the clergy into unfortunate relations with their parishioners, and that it would be better if the revenue derived from these lands were compounded.

6.—Some, well-wishers to the Church, consider that even if the Church were deprived of part of her possessions, she would not really be the poorer. She would possess a large capital at her absolute disposal, and her congregations, including as they do the richest part of the nation, would—as the dissenters in their own case do—gladly contribute to maintain or extend her present scale of operations.*

[It is generally allowed that the Church, if disestablished,

* Compare also paragraphs 3 & 7, on Disestablishment (for) and paragraphs 8, 9 and 10 on Disestablishment (against).

must be dealt with generously in the matter of her endowments; and that she can fairly claim to receive a certain number of years' purchase of her revenues, the State appropriating only the balance.]

On the other hand it is contended that if disestablished, the Church must be allowed to retain all her present possessions, without deduction, on the grounds:—

1.—That the State is bound to secure all property to its owners; and the emoluments of the Established Church are strictly and legally her property.

2.—That all endowments have been given to the Church as such—while most have been given to her as a Protestant Church—and are therefore her absolute property, and to take them away would be robbery and sacrilege.*

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## SCOTCH DISESTABLISHMENT.

In addition to the arguments already mentioned, most of which apply equally to the English, Scotch, and Welsh churches, it is contended by those in favour of the Disestablishment of the Scotch Church:—

1.—That, whatever may be the case elsewhere, the vast majority of church-going Scotchmen are not members of the Established Church.†

* Compare also paragraphs 6, 7, 8 and 9 on Disestablishment (against).

† It was estimated in 1872, that, in Scotland, out of a population of 3,400,000, only 1,063,000 were members of the Established Church.

2.—That the Established Church is simply one section of the Presbyterian Church of Scotland; and her recognition by the State is the chief bar to the reunion of the several branches of that Church.

3.—That, more especially in Scotland, this sectional Church has possession of national funds which were never intended to be used in providing religious ordinances for one portion of the people only.

4.—That the Scotch Established Church is constituted on an entirely different basis to the English Church—being much more self-governed. That, therefore, disestablishment in Scotland would not affect the question of disestablishment in England.

5.—That Scotland is ripe for, and desirous of disestablishment.

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## WELSH DISESTABLISHMENT.

As regards Wales, it is also contended:—

1.—That here, also, the Dissenters vastly outnumber the members of the Established Church, and that the growth of Dissent has been most strongly marked.*

2.—That in Wales the Church of England is an alien Church, has only been transplanted there, and has never taken root.

* In 1676 the population of Wales was 402,250, of whom 391,350 were Church of England, and 11,000 belonged to other Churches. In 1851 it appeared that for a population of a little over 1,000,000, the Church of England had accommodation for 269,000 persons, and other Churches for 600,000 persons. It was estimated in 1881, that out of a population of 1,574,000, about 300,000 belonged to the Church of England, and about 1,000,000 were Nonconformists.

3.—That, therefore, whatever may be the case in England, the arguments are overwhelming in favour of disestablishment in Wales.

4.—That as, in such matters as Education, Sunday Closing, &c., separate legislation has been instituted for Wales, there is precedent for dealing separately with the questions of Welsh and English Disestablishment.

# ELEMENTARY EDUCATION.

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The interest of the State in Education is one of purely modern growth, and only dates back to 1839. Up till then the supply of elementary education had been left entirely to voluntary agencies. In that year, however, the eyes of the nation were partially opened to the educational destitution of the country, and it was determined to subsidise the voluntary agencies; and an annual sum of £30,000 was voted for the purposes of elementary education. This sum was expended in giving grants in aid of the erection of schools, which schools were, however, to be in connection with the two great voluntary bodies, the National Society (Church of England), founded 1811, and the British and Foreign School Society (Unsectarian), founded 1808. In 1839 the Committee of Council on Education was formed, and £30,000 was voted for educational purposes.

In 1846 the Committee of Council on Education instituted grants, of not less than £15 or more than £30, to teachers, in augmentation of the salary paid by the managers, on condition of their obtaining a certificate of merit on examination. They also encouraged the training of pupil teachers by granting aid to the training colleges, and by paying stipends to the pupil teachers themselves. By 1850 the number of schools under inspection had increased to 2,000, and the accommodation to nearly 500,000 places.

In 1853, when the grant amounted to £160,000 a year, it

was found, that, though by the help of the Government building grants many schools had been established, their maintenance from purely voluntary sources was often precarious, and inadequate to their proper support; additional subsidies were, therefore, given to rural districts in the form of capitation grants on the attendance of children, and in 1856 these were extended to town districts as well. By 1861 the number of children in average attendance had increased to 700,000, and the total grant to £840,000. In that year, by the Revised Code (Mr. Lowe's), grants were first given for individual examination of children, while at the same time direct payment to the teachers by the State was abolished.

Thus step by step the State found itself obliged to come to the aid of those who were endeavouring to provide elementary education. Yet, in spite of these aids, it was found in 1870 that, though the number of children provided for amounted to over 2,000,000, those in no way provided for amounted to over a million; and the nation awoke to the necessity of having a school place for every child, and every child in its place. It became evident that, to attain the former of these ends, the voluntary system must be supplemented by a national system; and the question arose whether this public system should be directed from a centre, and the cost be defrayed from the taxes, or whether each locality should provide its own educational necessaries, with the assistance of grants from the consolidated fund.

To secure the full attendance of the children at the schools provided for them, compulsion became necessary. The extension of compulsion has taken place gradually; at first, in 1870, permissive compulsion was introduced in School Board districts,—School Boards might enact and carry out bye-laws if they chose; secondly, in 1876, permissive compulsion was extended to all districts, and in addition, the declaration was made, that "it is the duty of the parent to

cause his child to receive elementary instruction;" thirdly, in 1880, compulsion was made compulsory throughout the country. Along with compulsion arose the question of whether a fee, and if so what fee, should be exacted from the parent.

The result of the discussion has been the establishment of School Boards to supplement the deficiencies of the voluntary system; and the support of Board Schools from rates, taxes, and fees.

The efficient elementary schools of England, Wales, and Scotland provided, in 1883, 5,300,000 places, of which 3,400,000 were in Voluntary, and 1,900,000 in Board Schools. The grant paid from the Imperial Exchequer in the same year amounted to nearly £3,500,000, and the amount raised from the rates was £2,100,000.

Though School Boards are an established fact, it may be of interest to recapitulate the arguments advanced in favour of, and opposed to the direct interference of the State in elementary education.

The ground on which the first and limited interference of the State in national education was upheld was:—

1.—That ignorance is a national danger and education a national good, and that, in the case at least of the poor, the State, in one form or another, must give aid towards education by supervising, and partly paying for, the schooling of their children.

The further and direct interference of the State in education was upheld on the "national" grounds:—

2.—That as the tendency of popular education is, by improving the intelligence, to raise the position and enhance the power of the people, and at the same time to diminish crime, it should be universal.

3.—That the voluntary system having failed to supply a sufficient number of schools, England was falling behind in the educational race, and her workmen were being surpassed by those of other nations.

4.—That in order to carry out a thorough system of national education, compulsion is necessary; compulsion cannot be carried out without a complete net-work of schools.

5.—That under a purely voluntary system, the incidence of the cost of education was not fairly distributed.

6.—That as under the voluntary system all contributions were voluntary, education was tainted with charity.

And on the "religious" grounds:—

7.—That in view of the great divergency of religious belief among Englishmen, it was matter of necessity, that the State should not use the money of the tax-payer solely to support denominational forms of education.

8.—That the Church of England had, by means of its wealth and State recognition, obtained an unfair control over popular education; and this power would be weakened if the State were to set up its own schools.

9.—That the Government grants being provided from the taxes the dissenters shared the cost, and should be able, without violation of conscience, to partake to the full in the benefits of the educational system.

10.—That if there be compulsion, there must be Board, or undenominational Schools; the parent cannot fairly be forced to send his child to a school, to the religious teaching of which he objects.

On the other hand, the introduction of School Boards was opposed on the "national" grounds:—

1.—That those who declined their own local responsibili-

ties, could not fairly devolve them on the nation; and those who did nothing for their children could have no claim on others.

2.—That men will do best what they do for themselves, and any interference on the part of the State in education is harmful.

3—And further, that voluntary agencies would do the work better and more cheaply than any public body.

And on the "religious" grounds:—

4.—That education, to be true education, must be religious as well as secular, and this result can only be attained by a denominational system; undenominational teaching, whether nominally religious or no, would be essentially secular.

5.—(*a*) (By some) That the Established Church is the one true Church, and ought to bear full sway in the land and should alone be recognized by the State as the teacher of the people; and to allow schools not under her sway to be set up at the public expense would dangerously weaken her power.

(*b*) And that it is to the ministers of the Church the souls of the people are entrusted by Heaven, and religious teaching ought in no case to be wrested out of their hands.

6.—That it is not within the province of the State to make men wise or moral, but only to shield their rights. That in taking A.'s money (whether from taxes or rates) to educate B.'s children, the State is trespassing beyond its true field of work, and is herself wronging A. instead of securing him from wrong.

7.—That the dissenting parent is perfectly free to choose his school, and is sufficiently protected by the conscience clause. If there be no school in the neighbourhood, it is his misfortune, but one for which the State is not responsible.

8.—That any State system of education would probably destroy and absorb the voluntary; and such a result would be a grievous blow to education and religion.

The appointment of local bodies under proper control to superintend the sufficiency and management of the necessary educational appliances, partly at the cost of local rates; as against the centralization of the system, and its entire support from the consolidated fund, was upheld on the grounds:—

1.—That each district, knowing its own wants, would provide for them better and more economically, than if the work were to be performed and directed from a central agency.

2.—That the danger of dull uniformity would be diminished.

3.—That the broad principle of the religious question being once laid down, the details of religious teaching, or its omission, would be better settled by each locality for itself, than by a central body.

4.—That as the benefits derived from education are in part national, in part local, the rates and the imperial taxes should each bear a part of the cost.

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## FREE SCHOOLS.

It is proposed by some that all School Board schools should be "free schools," *i.e.*, that no fee should be demanded of the parents for their children's education.

This proposal is supported on the grounds:—

1.—(*a*) That ignorance being a national danger, and education a national benefit, the State is justified in forcing

the parent to send his child to school, but not in also forcing him to contribute to the cost.

(*b*) That it is unfair to demand a further sacrifice on the part of the poorer classes, seeing that they have already indirectly suffered, and continue to suffer, large losses from the obligation they are under of keeping their children at school until a late age: while they also contribute towards the cost of education by life-long payment of rates and taxes.

2.—(*a*) That it is an anomaly to compel a child to enter a school for the public good, and then to throw the obstacle of the fee in the way of his observing the law.

(*b*) Then more especially is this the case in consequence of the recent decision of the Courts of Law, that arrears of fees cannot be recovered in the County Court; thus necessitating the exclusion of children for non-payment of fees, and the prosecution of the parent for its non-attendance, as the only means of compelling payment.

(*c*) That the attendance at school would be improved, and the necessity of compulsion would be reduced to a minimum by the abolition of the fee; experience proves that the fee is in many ways a serious obstacle to attendance.

(*d*) That the money received from the fees does not compensate for the worry, expense, and loss of time in obtaining them; while the frequent necessity of remission of fees leads to difficulties and deception.

(*e*) That many honest and hardworking, but poverty-stricken parents are humiliated by being compelled to beg for remission.

(*f*) That while the fees are but sums taken from one pocket and put into another, and do not affect the nation as a whole, the education lost in consequence of their imposition is a national calamity.

3.—That it would tend to the disappearance of class distinctions.

4.—That as the principle is now admitted that the State should pay for a large portion of the costs of elementary education, and in some cases for the whole cost, the abolition of the fees would be but a small step further; and there would be nothing "charitable," or pauperising, in the State bearing this additional expense.

5.—That education being of national concern, and for the national good, there is nothing illogical and unfair in expecting the unmarried or childless to contribute to the cost.

6.—(*a*) That the adoption of free schools would in no way increase the cost of education; it would only change the incidence of the cost and place it on a fairer basis.

(*b*) That as "essential" education is confined to the elementary subjects, the State might provide these free of cost without being logically obliged to provide higher education also.

(*c*) That food and clothing being essentials, and education not an absolute necessity, the State may fairly compel the parent to provide the former at his own expense, but cannot fairly compel him to provide the latter.

7.—That those who send their children to secondary schools enjoy the benefit of innumerable endowments—some of them filched from the poor—whereby the cost of education is lightened; while the elementary schools are without such aids.

8.—That the parent who values education would not appreciate it the less, while the parent who is indifferent to education would like it the more, if he were not called upon to pay towards its cost. In countries where schools are free, the parents are not less independent.

9.—That the abolition of fees in the Board Schools would attract to them the poorest class of children, and the more well-to-do would consequently patronize the voluntary schools; thus these latter would be in a better

position than before, and tend to become "higher grade" schools.

10.—That free schools have been successfully adopted in America and elsewhere.

On the other hand it is contended that some fee should be universally charged, on the grounds :—

1.—That the parent and children would cease to value education if they paid nothing towards its cost; while the self-esteem of the parent, and his parental responsibilities, would be weakened if he were entirely relieved of the cost of his children's education.

2.—(*a*) That the amount the parents pay in fees is a very small proportion of the whole cost, and no more than their fair share.

(*b*) That it would be very unfair to place the whole burden of the cost of elementary education on the shoulders of those who are deriving only an indirect benefit from it.

(*c*) That if education were provided free of all cost by the State, logically the State would also have to supply free clothing, free food, &c.

3.—That the abolition of fees would be only a very temporary advantage to the poor, their payment or non-payment being taken into account in wages.

4.—That the abolition of the fee in the Board Schools would involve the same in the voluntary schools; the latter would in consequence be ruined, and education would become entirely School-Board-ridden, and probably secular.

5.—That if the primary schools were to be freed, the State would gradually find itself obliged to provide free education for all classes.

6.—That for the State to give free education would be one more step towards Socialism.

## RELIGIOUS TEACHING IN BOARD SCHOOLS.

It is proposed by some to withdraw from School Boards the power of giving any religious teaching in their schools, and to make Board School teaching entirely secular.

This proposal is supported on the grounds :—

1.—(By some) That it is beyond the province of the State to recognize any religious teaching.

2.—(By others) That though the State may recognize religious teaching, it should not use the national money in encouraging the teaching of that which part of the nation objects to or disbelieves.

3.—That the necessary religious teaching can be given out of school hours, and in Sunday schools ; and the children attending Sunday schools have largely increased in numbers in consequence of increased education.

4.—That where religious instruction is given, the teacher who is not a Protestant or a believer, is either obliged to give up his profession, or hypocritically to teach that in which he disbelieves or of which he disapproves.

5.—That to place the religious instruction in the hands of teachers who belong to many sects, or to none, is bad for morality and disastrous to religion.

6.—That religious teaching, if given at all, must necessarily be sectarian in bias, and as the training colleges are nearly all in the hands of one sect, that denomination obtains an unfair advantage over the others.

On the other hand, the present permissive power of

giving unsectarian religious teaching in Board Schools is upheld on the grounds :—

1.—That education without any religious teaching is worse than useless.

2.—(*a*) That the State ought not to hold aloof from all recognition of religious teaching.

(*b*) And that by refraining from any recognition of religious teaching, and still more by practically prohibiting it, the State would cast doubts on all religion.

(*c*) That as the State gives grants towards the secular instruction only, it does not actually endow religious teaching in any way.

3.—That in the vast majority of cases the religious instruction given by the teachers in Board Schools is essentially reverential and religious.

4.—That the religious scruples of all are protected by the Conscience Clause.

5.—That religious hatreds are softened by bringing children of different denominations under one common religious teaching.

6.—That at present the majority of the ratepayers, if they so desire, can prohibit religious instruction in their schools, and it would be intolerable that the wishes of the majorities in other places should be overridden.

7.—That the attempt to do without religious teaching in Birmingham and elsewhere has been a failure.

# REFORM.*

Previous to the Reform Act of 1832, the number of nomination seats was enormous. It was computed that 175 members were actually returned by 89 peers, while 100 others obtained their seats through the influence of 66 members of the House of Commons, and the Government itself could command seven seats. Electors in some boroughs were practically non-existent.

The "first" Reform Act introduced by Lord Grey's Government in 1831, was passed in 1832. Its main provisions: (i.) Simplified and unified the existing franchises, which were so complicated, that in boroughs alone there were no less than twenty-five different qualifications, extending very low down on the one hand, and being very much restricted on the other. This was accomplished (to use general terms) by reducing the franchise in boroughs to an uniform £10 household, and in counties to a £10 freehold and copyhold, and a £50 leasehold qualification. By these means about half a million of electors were added to the register. (ii.) Disfranchised all boroughs containing less than 2000 inhabitants, 56 in number; semi-disfranchised 30 other boroughs of less than 4,000 inhabitants, and amalgamated two others, making 143 borough seats available for

* In this new edition (June, 1885) the arguments for and against Reform and Redistribution are omitted. But I have thought it well to leave the historical retrospect, and have brought it up to date.

Re-distribution, of which 65 were given to the counties. In England and Wales 43 new boroughs were created, of which 22—including Manchester, Birmingham, Leeds, Sheffield, Tower Hamlets, Finsbury, Greenwich, and Lambeth—were to return two, and the rest one member each. Seven counties each received a third member, and twenty-six were divided, each division to send two members; while Yorkshire was given six members instead of four, the Isle of Wight constituency was formed, and in Wales three counties had a member added. In Scotland the representation was completely re-arranged; Edinburgh and Glasgow were given a second member, five new single boroughs were created, and 69 towns were formed into 14 "districts of burghs," each returning one member, while three additional seats were given to the counties. In Ireland, Belfast, Limerick, Waterford, Galway, and the University of Dublin were given second members. Thus, England was to return 500 members instead of 513, Scotland 53 instead of 45, and Ireland 105 instead of 100, in all 658.

The Reform Acts of 1867–8, introduced by Mr. Disraeli —but in their passage through the House greatly extended and altered, both in principle and detail—provided (i.) For the reduction of the borough franchise in England and Scotland to a ratepaying household one, with a £10 lodger qualification, in Ireland to a £4 rating; of the county franchise to a £12 rating qualification, in Scotland £14 valuation. (ii.) For the disfranchisement of 11 boroughs—4 for corrupt practices, and 7 as containing less than 5,000 inhabitants—and the semi-disfranchisement of 38 more with populations below 10,000, making in all 52 borough seats available for Re-distribution. Seven of these seats were given to Scotland, raising the number of her representatives to 60, and were applied to creating two University seats, to giving Glasgow a third seat, to creating the "Border

Burghs," and to giving an additional member to Dundee and to two counties. In Ireland no change was made. In England, additional members were given to Manchester, Liverpool, Birmingham, and Leeds; nine new boroughs, each returning one member, were formed, with Chelsea and Hackney each returning two; Salford and Merthyr Tydvil had additional members; the University of London was created; and 13 counties were divided, and given 25 additional members. The system of minority voting was applied to the three-cornered constituencies.

The Reform Act of 1884, introduced first in the session of that year by Mr. Gladstone; rejected by the House of Lords, reintroduced in the autumn session, and passed, was purely a Franchise Bill, the question of Re-distribution of Seats, being dealt with in a separate and subsequent Act.

The general principle of the Act is to unite the three kingdoms in one and the same "household" franchise. In order to do this it (i.) Assimilates the county franchise to that existing in the boroughs, namely, rateable household suffrage, retaining the £10 lodger franchise; and reducing the £12 county rating to a non-residential qualification of £10 yearly value. (ii.) Includes, both in counties and boroughs, by means of the "Service" franchise, those responsible householders who are neither owners nor tenants, but who hold their houses as one of the conditions of their service. (iii.) Prevents the manufacture of "faggot" votes, by prohibiting future qualification by rentcharge,—except for the whole of a tithe rentcharge,—and by forbidding the subdivision of any interest in any land or tenement, unless the owners have derived their interest by will or marriage, or are *bonâ fide* partners in business.

The Re-distribution Act of 1885, introduced in the course of the autumn session of 1884, was a most sweeping measure, which adopted and applied almost universally the

system of "one membered" constituencies, and went far towards their equalisation.

The Act disfranchised, by absorption into the county, all boroughs below 15,000 inhabitants, 107 in number with 120 seats; and two, with four seats, for corrupt practices; it semi-disfranchised all boroughs containing between 15,000 and 50,000 inhabitants, 39 in number with 39 seats; and in addition three counties each lost a seat.*

This gave a total of 166 seats (of which 163 were borough seats), and to these were added six seats in abeyance for corrupt practices and now revived, while the number of members of the House was increased by 12, thus giving a total of 184 seats available for Re-distribution. Of these, 60 were allotted to the counties (an additional representation of 57), and 124 to the boroughs (a diminution of representation of 39). Scotland received 12, and England 6 additional members, Wales and Ireland remaining as before.

Constituencies of 165,000 inhabitants and above, received additional members, one for about every 54,000 inhabitants, with the exception of London, which was dealt with less liberally. Thus, Yorkshire has in all 26 members, Lancashire, 23, Liverpool, 9, Glasgow and Birmingham, 7 each, Manchester, 6, &c., while London, enlarged in area, returns 61 members against 22 previously.

But a further shifting of constituencies took place. For, with the exception of boroughs of between 50,000 and 165,000 inhabitants, returning two members, 29 in number, all other constituencies, whether old or new, were mapped out on the single-membered system, the counties into divisions, the boroughs into wards or districts, each return-

* The University seats were exempt from these, as well as the other provisions of the Act.

ing one member.* The "three-cornered" constituencies disappeared.

The number of electors in 1866 amounted to 1,364,000, increased by the Reform Bills of 1867–68 to 2,500,000. The number on the register in 1883 was about 3,170,000, of whom England had 2,620,000, Scotland 320,000, and Ireland 227,000. It is estimated that the Reform Act of 1884 will enfranchise nearly two million persons, of whom 1,300,000 will be in England, 200,000 in Scotland, and 400,000 in Ireland.† The number of members—in consequence of the disfranchisement of divers corrupt boroughs—amounted in 1884 to 652, of whom England had 489, Scotland, 60, and Ireland, 103. The total number has now been increased to 670, of whom England and Wales (population 26,000,000), has 495, Scotland (population 3,730,000), 72, and Ireland (population, 1881, 5,100,000), as before, 103.

* The City of London alone, in virtue of its historic associations, remained undivided, but its members were reduced from four to two.

† The number of new electors enfranchised in Ireland, in consequence of the equalization of the franchise throughout the United Kingdom, is much larger in proportion than in England and Scotland. This is due to the fact, that in 1829 Sir Robert Peel raised the freehold qualification from 40*s.* to £10, thus vastly reducing the Irish electorate; while the Reform Acts of 1832 and 1868 left the Irish franchise very much as before; on the other hand the Irish Franchise Bill of 1850 reduced the borough franchise to an £8 rating.

## PROPORTIONAL REPRESENTATION.

In connection with the question of Reform and Redistribution of Seats is raised that of "Proportional Representation," namely, the question of the best mode of arranging the voting power, so that both the majority and the minority may obtain their fair share of representation.

The adoption of any system of proportional representation would involve the enlargement of the constituencies, so that they should each return more than two members.

The arguments on this question are usually much complicated with figures and details, which cannot be given here, making it somewhat difficult to state the question broadly on the method adopted in this volume.

Those in favour of the application of some system of Proportional Representation take their stand on the grounds* :—

1.—That popular Government is "the government of the whole People, by the whole people equally represented;" whereas the present system is "the government of the whole people by a mere majority of the people exclusively represented."

* I am largely indebted in this section to the chapter on "Representation of Minorities" in *Ideas of the Day on Policy*, as well as to Mill's *Representative Government*. See, also, "*Representation*," by Sir John Lubbock, M.P.

2.—(*a*) That it is an advantage to the country to take into its councils every interest, class, and opinion; that they ought, and are entitled to be represented; while under the present system of majority voting many are entirely unrepresented in Parliament.

(*b*) That the fair representation of all classes would not only lead to greater political wisdom and stability, but to greater political contentment.

3.—(*a*) That majorities ought to obtain their fair share of power; but under the present system of voting, the power is obtained only by a "majority of the majority, who may be, and often are, but a minority of the whole."

(*b*) That minorities in the nation ought to be represented by corresponding minorities in the Legislature.

(*c*) That, thus, it is as much to the interest of the majority as of the minority that a system of Proportional Representation should be adopted, which alone can give the minority a fair hearing, while securing to the majority its true predominance, and giving just political weight to the vote of every elector.

4.—That it is not just to stigmatise opinions as "crotchets," as therefore unworthy of consideration or assistance, and as undesirable to be represented in the House; most great reforms were first condemned as "crotchets."

5.—(*a*) That the present system of elections, whatever its advantages may be, is certainly not a fair representation of opinion.

(*b*) That it is uncertain in its operation; and leads to violent fluctuations in political power, and consequently in the policy of the country.

(*c*) That at each general election it either unduly increases the majority, or else does not secure a majority of representatives to a majority of electors.

6.—(*a*) That inequality in one constituency is not counter-

balanced by a contrary inequality in another; a defeated minority in one locality cannot be represented by a successful majority in another.

(*b*) That more especially is this the case in Scotland and Wales where the minority has scarcely any local representatives, and cannot be represented by other parts of the kingdom.

(*c*) That great dangers may arise from the monopoly of representation by different parties in different parts of the kingdom, whereby these are placed in direct antagonism.

7.—(*a*) That more especially, as regards Ireland, is it essential that the minority should be protected from annihilation. Without some system of Proportional Representation, the minority, who number a quarter to a third of the population, will not, with the extended franchise, be able to obtain more than a tenth part of the seats.

(*b*) That the matter is exceptionally serious, seeing that the minority constitute the loyal, and the majority the disloyal portion of the population.

8.—That the representation of a constituency is in no way neutralized by the election of candidates of opposite views; such an argument, carried to its logical conclusion, would assume that only those members were of any practical value who constituted the working majority.

9.—That as regards the misrepresentation which might follow on bye-elections, this, where it occurred, would merely produce a modified form of the misrepresentation, which under the present system, occurs at every election.

10.—(*a*) (By some.) That contests would become rare in constituencies to which a system of minority voting was applied.

(*b*) (By others.) That political life would be quickened in constituencies where now the minority is sunk in despair.

11.—(By many.) That any system of Proportional

Representation would be a check on, and a safeguard against Democratic power.

12.—(*a*) That by the adoption of the Cumulative vote at School Board Elections, and the Limited Vote in the former "three-cornered" constituencies, the principle of Proportional Representation has been conceded.

(*b*) That while neither of these systems are entirely satisfactory, a true system of Proportional Representation would be free from their disadvantages.

13.—(*a*) That under a good system of Proportional Representation the mode of voting would be eminently simple; while no manipulation of ballot papers would be possible; and wire-pulling would be reduced to a minimum.

(*b*) That to plead that electors could not understand the method of voting, is to argue that they are not sufficiently intelligent to be worthy of a vote; while the experience of the two forms of minority voting already in force, has proved that electors can readily comprehend the system.

On the other hand it is contended:—

1.—(*a*) That the system of majority voting works well and fairly on the whole; and that mathematical accuracy of representation is neither attainable nor desirable.

(*b*) That the fact that the majority in Parliament is exaggerated by the present system of representation, tends to the smoother working of the Parliamentary machine; absolute representation would lead to such equality of party numbers as to cause a practical deadlock, and while there might be truer representation there would be less legislation.

2.—(*a*) That there is already in the House enough, perhaps too much, representation of different interests, classes, and opinions.

(*b*) That it is not desirable that crotcheteers should be

encouraged or assisted to obtain seats in the House. To facilitate the admission of such persons would tend to the formation of several parties, and to the obstruction of business. If they cannot get elected in the ordinary way, the numbers behind them must be small.

3.—(*a*) That the minority (of the two great parties) if defeated in one constituency, will be victorious in another, and throughout the country generally it will obtain its fair share of seats.

(*b*) That this will be more especially the case now that the number of constituencies has been largely increased by the adoption of the single-membered system.

(*c*) That while it is just, necessary, and advisable that the "national minority" should be duly represented, it is not advisable that a "local minority" should be represented, until by their energy they have converted themselves into a majority.

(*d*) That political minorities, under the present system, will always—both inside the House and out—be able to exercise their full share—usually more than their share—of influence.

(*d*) The danger is, lest, by a system of checks and balances, the majority should be enfeebled, and thus legislation be rendered less energetic, thorough, and beneficent; the essence of our political system being that the majority should rule.

4.—(*a*) That if Proportional Representation is to have any real effect in Ireland it must be applied there universally. It cannot be applied to Ireland without being extended to the rest of the United Kingdom.

(*b*) That to apply the system generally would necessitate the complete supersession of the existing system of electoral divisions; and would involve a vast increase in the size of constituencies, in order to entitle them to several members,

without which the system of minority voting could not be applied.

(*c*) That unduly to increase the size of constituencies and to give them several members each would involve many disadvantages, difficulties, and dangers.*

5.—That the concession of the principle that minorities ought to be represented in proportion to their numbers, would necessitate the adoption of some system of Proportional Representation applied to the electorate at large. Proportional Representation applied merely "in constituencies" would still leave many minorities, numerically numerous, entirely unrepresented.

6.—That unless the system were universally applied, the election for members would be carried on under two distinct and different systems working side by side.

7.—(*a*) That where a minority system has been in force,—as in the former "three-cornered" constituencies,—it has tended to political selfishness, and to the adoption of much undesirable wire-pulling; and has been equally disliked by both parties.

(*b*) That the usual result of the application of minority voting is political stagnation.

(*c*) That no system of Proportional Representation, however perfect, could avoid or avert these evils.

8.—That the election of members of diametrically opposite views by the same constituency under a minority system, neutralizes their voting power; and thus a large

* This argument is not followed out here, as it branches off into a different line of thought. But there are some obvious difficulties and disadvantages of enlarged and many-membered constituencies; namely, the lack of intercourse, mutual interest, and knowledge between members and electors, consequent on the enlarged size of the constituencies, the loss of mutual trust and assistance between candidates which must arise under any system of minority voting, the practical difficulties of several candidates standing together, &c.

constituency with several members is really less represented than if it had only two members, both elected by the majority.

9.—That it would lead to a great multiplication of candidates.

10.—(*a*) That any system of minority voting must be complicated—the more perfect the more complicated.

(*b*) That it would not therefore be popular with the ordinary elector, who is suspicious of mathematical calculations as applied to his vote, and desires to be able to believe that no manipulation of ballot papers is possible, and that all chance is eliminated.

(*c*) That however theoretically perfect may be the machinery for such a system of voting, it would be unworkable in practice.

11.—That however perfect the system might be at the time of a general election, its results would be completely nullified by the numerous bye-elections which take place during the life of each Parliament. The majority pure and simple would always win at all bye-elections, though many of the seats vacated would have been previously filled by members representing the minority.

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## WOMAN'S SUFFRAGE.

It is proposed to extend the franchise to women; so that every woman holding a sufficient property qualification in her own right, would be entitled to vote at the Parliamentary elections.

This proposal is upheld on the grounds:—

1.—That as women of property bear the burdens, they should not be deprived of the rights of citizenship; that as women have to obey the laws, they should be allowed a voice in making them.

2.—(*a*) That women have just as much interest in good government as men; and if there be any difference, women being physically the weaker, require protection more than men.

(*b*) That the interests of women are either identical with those of men—and in that case their votes would not affect the ultimate result—or their interests are divergent; and in that case they should be fairly and directly represented.

(*c*) That occasionally the interests of men and women are divergent, and in such cases the latter, being unrepresented, suffer—witness the laws respecting women's property, divorce, custody of children, child murder, &c.; while if directly represented, the anomalies and inequalities of the laws as affecting them would be modified or swept away.

(*d*) That even if women are to be subject to men's authority, they "require the protection of the suffrage to secure them from an abuse of that authority;" "they do not need political rights in order that they may govern, but in order that they may not be misgoverned."

3.—That though there may be truth in the assertion that a married woman is represented through her husband, a widow or spinster is entirely unrepresented.

4.—(*a*) That it is an anomaly for women to be allowed the School Board and Municipal, and to be excluded from the Parliamentary franchise; if they are fit for the one, they are qualified for the other; they pay taxes as well as rates.

(*b*) That as the highest post in the realm can be, and is,

worthily filled by a woman, it is an anomaly to refuse to women the lesser privilege of a vote.

5.—(*a*) That in the case of women "the very principle and system of representation based on property is set aside, and an exceptionally personal disqualification is created for the mere purpose of excluding her."

(*b*) That thus just that result ensues which it is especially desirable to avoid—women are treated as, and turned into a "class."

6.—(*a*) That mentally and physically there is no sufficient difference between men and women to justify withholding from the one that which is given to the other; the idea that women are the inferiors of men is merely a relic of semi-barbarism.

(*b*) That as the question is one of voting and not of being elected, the physical inferiority of women is of no account in the matter.

(*c*) That whenever women have had the opportunity they have shown themselves competent to exercise power and responsibility.

7.—(*a*) That the possession of the suffrage would have a salutary effect on women by opening and raising their minds, and by removing the idea that they are inferior; while to withhold it, injures their self-respect, and counteracts all attempts to improve and elevate them.

(*b*) That more especially will this be the case when the servant and labourer are enfranchised, and the female employer or farmer refused a vote.

(*c*) That, naturally, so long as women are denied political power, they are under no sense of responsibility in using their influence.

(*d*) (By some.) That the enfranchisement of a small minority of women (for the numbers who would be enfranchised would not be large) would have little effect one way or the other on the character of the whole sex.

8.—(*a*) That women being more deeply imbued with religious feeling, and with respect for law and order, than men, their possession of a vote would be an additional bulwark against socialism and anarchy.

(*b*) That the extension of the franchise to women—necessarily women of property—would tend to check the democratic tendencies of the age.

(*c*) That as the women enfranchised would be chiefly those of education, their opinions (as expressed by their votes) would be of value.

(*d*) That women are more free from party politics and party bias than men, and would therefore judge a political question more on its own merits.

(*e*) That the education of women has made such rapid strides, that to-day they are fitted to exercise a power of which yesterday they were incapable.

9.—That a disfranchised class is either politically ignorant and indifferent, or else disaffected.

10.—That the possession of the franchise would not cause family friction and ill-feeling; for it would be chiefly widows and spinsters of property who would possess votes, and they would be independent.

11.—That the line between voting at Parliamentary elections and being eligible for Parliament is so absolutely distinct, that to concede the one would not be to admit the principle of the other.

12.—That the ballot has so entirely extinguished all rioting and roughness on the day of election, that women could vote in perfect safety and without fear of intimidation or rudeness; just as now they vote at School Board and Municipal elections without any personal unpleasantness ensuing.

13.—That the assertion that the majority of women are not desirous of the franchise proves in what subjection to

"custom" they are still bound; and demonstrates the need of further freedom.

14.—That though women do not themselves serve in the army; through their fathers, brothers, husbands, they are vitally interested in the preservation of peace.

The proposal to extend the suffrage to women is opposed on the grounds:—

1.—(*a*) That men and women are in every way different, and it is a mistake to endeavour to break down any of the natural differences—implied in sex—which exist between them.

(*b*) That women are not a "class," their rights and interests harmonize with those of men, and are therefore duly protected.

(*c*) That if, however, women obtained the suffrage, class distinctions would be set up, "women's questions" would be manufactured, and men and women would be thrown into antagonism.

2.—(*a*) That it would be contrary to the natural position of women to be entrusted with power.

(*b*) That men's respect and reverence for women would be fatally undermined if they were allowed to mingle in political strife; while the finer edge of women's nature would be blunted, and they would become unsexed.

(*c*) That if women were enfranchised, the disposal of their votes would lead to family jealousies, ill-feeling, and greater political friction.

3.—(*a*) That the judicial mind is wanting in women, and mentally, morally, and physically they are unfitted by nature to exercise a calm judgment, more especially on exciting political questions; they cannot, therefore, claim the suffrage on equal terms.

(*b*) That educational and municipal questions stand on an entirely different footing from matters political; while, as regards the first, women are especially qualified to give advice.

(*c*) That a School Board or Municipal election is less impassioned than a Parliamentary contest.

(*d*) That as women are not liable to bear arms, and as they are by nature warlike, it would be inexpedient to give them the power of voting on questions of peace and war.

6.—That the majority of women do not want and would rather be without the suffrage.

7.—(*a*) That women are properly represented, in that they can and do exercise influence over the male voters.

(*b*) That the married woman is much better represented through her husband than she would be through the vote of some spinster or widow; while the two last are directly represented by other male relatives.

8.—That those who would take an active part in politics would be the "strong-minded" women, who are not really representative of the sex.

9.—That it would be impossible, without great disadvantages, to give the suffrage to married women; and to allow spinsters and widows a privilege which they would lose on marriage, would be an anomaly, which could not long endure.

10.—That the concession of the vote would enfranchise a very undesirable class of women.

11.—That the evidence of Municipal elections goes to show that female electors are more open to bribery than male, and thus electoral purity would suffer.

12.—That the concession of the suffrage would inevitably be followed by the demand, which could not logically be refused, that women should be qualified to sit in the House of Commons themselves; no other electors, except clergymen, being ineligible.

13.—That to grant the suffrage to women on the ground that, as they are bound to obey the laws, they ought to have a hand in making them, would logically oblige us to concede the suffrage to every man, woman, and child in the kingdom.

14.—(A latent fear in the minds of some.) That women, if given the opportunity, would oust men from many occupations which the latter now monopolise, and would thus diminish their earnings.

# PARLIAMENTARY ELECTIONS.

## THE BALLOT.

The question of the Ballot must be shortly revived, inasmuch as the Ballot Act was only passed experimentally for a limited number of years, and expired in December, 1881, and is only now kept in force by being included each session in the Continuation Act.

It is probable that the principle of secrecy of voting will be now definitely accepted, but it may not be without interest to recapitulate the reasons advanced for and against the Ballot.

The Ballot is defended on the grounds :—

1.—(*a*) That it diminishes bribery and intimidation, by removing the knowledge whether either has been successful.

(*b*) That more especially it has extinguished that bribery which arose from the knowledge of the state of the poll; while it has prevented all mob intimidation on the day of election.

2.—(*a*) That as it enables a man to act according to the dictates of his conscience, not according to the opinion of his fellow men, it has secured a real representation of the opinions of the people.

(*b*) While it has raised the tone of political life by teach-

ing that a vote is a privilege and not an article of merchandise.

3.—(*a*) That by enabling a man to vote according to his own judgment, it destroys the anomaly of the possession of a vote without the power of bestowing it except at the bidding of another.

(*b*) That many who formerly refrained from voting for fear of giving offence, and were thus practically disfranchised, are now able to vote with impunity.

4.—(*a*) That a vote is not a "trust," for the owner has a personal interest in its disposal; while a trustee should be entirely unbiassed.

(*b*) That even if it be a trust, it should not be exercised openly. A jury, for instance, give their votes privately among themselves.

5.—That where the State gives a man the right of voting, it should defend him from undue influence in the exercise of that right.

6.—That it reduces the power of dominant parties, and gives depressed interests a chance of a hearing.

7.—That the direct influence of the upper and moneyed classes in elections was formerly too powerful, and is weakened by means of the Ballot; while their indirect power—arising from their virtues, and the legitimate influence of wealth—is still as powerful for good as before.

8.—That it softens the violence of political contests, and creates order and decency at the poll.

9.—That those who have lately been expressing their want of confidence in the Ballot, are chiefly agents and others accused of bribery, &c., who have experienced the difficulties which the Ballot throws in the way of their doings, and are therefore opposed to it.

10.—That as the Ballot has been introduced it is too late now to retrace our steps.

On the other hand the Ballot is condemned on the grounds :—

1.—That publicity is always the most effective way of correcting abuses.

2.—That secrecy in the performance of a public duty is un-English and unmanly.

3.—That a vote is a trust, and should, therefore, be given publicly.

4.—That logically, if the voter is protected by the Ballot in the discharge of his duty to the State, his representative in Parliament should be equally protected, and this is inexpedient and impracticable.

5.—That the enfranchised represent at the poll the unenfranchised also, and these latter have a right to know how their representatives vote.

6.—That the influence of the upper and moneyed classes is legitimate and wholesome, and should not be diminished.

7.—That by diminishing political excitement, the Ballot leads to much abstention from voting.

8.—(*a*) That it merely provides electors with the means of lying with impunity; and encourages mendacity and promise-breaking.

(*b*) That "in place of the simple evil of undue influence, it has created the compound offence of bribery, falsehood, and fraud."

9.—That it gives an opening to the secret gratification of local spite or private jealousy.

10.—That the practical secrecy of the ballot is illusory.

11.—That the existence of secret voting has in no way diminished bribery or intimidation; and where bribery is undertaken, the uncertainty of the result of the bribe has rendered necessary the corruption of a greater number.

12.—That under the Ballot the swing of the political pen-

dulum at election times has been, and is likely to be, greater than formerly; for the wavering "margin" of voters, when not under the influence of open voting and public opinion, will be more liable to veer backwards and forwards.

13.—(By some.) That the enforcement of the Ballot for several years has instilled into the voters such a sense of freedom that they no longer require its protection, and therefore, as there are many objections to the Ballot, its use might be now dispensed with.

### *Illiterate Voters.*

It is probable that one point connected with the Ballot will be re-discussed; namely, the question whether the illiterate voter who solicits assistance in recording his vote, should continue to receive the help of the officer presiding at the polling-booth in marking his ballot paper.

It is contended that this assistance should be withdrawn, on the grounds:—

1.—(*a*) That a man so illiterate as to be unable to mark a ballot-paper correctly, is presumably too ignorant to be worthy of a vote.

(*b*) That the illiterate man, not being able to acquire information by reading, is more likely to be at the bidding of the unscrupulous agitator.

2.—That the desire of being able to record his vote will be an incentive to acquire education.

3.—(*a*) That it is possible for the voter who claims assistance to make known which way he votes, and so the door is left ajar to bribery and intimidation, more especially as the illiterate voter is likely to be amenable to corrupt influences.

(*b*) That literate voters are induced to plead illiteracy, so that the briber may know which way they vote.

4.—(*a*) That the voter will not be disfranchised except by his own illiteracy. There is nothing to prevent him from voting if he likes; it is only proposed to withdraw a special privilege now granted to ignorance.

(*b*) That an illiterate of ordinary intelligence could be easily taught how to mark his ballot-paper: the returning officer has great latitude in judging of the evident intention of the voter.

5.—(By some.) That as the extension of the franchise to Ireland will confer votes on a vast number of "illiterates," it is well that as far as possible they should be virtually disfranchised by having all assistance withdrawn from them.

On the other hand it is contended that the illiterate voter who solicits assistance from the presiding officer, should be entitled to receive it, on the grounds:—

1.—That he represents property, and is as much interested in good government as the well-educated voter; and if he were deprived of the assistance necessary to him in recording his vote, he would be practically disfranchised.

2.—That if he has to record his vote without assistance, he will give it in a haphazard manner, and it might be recorded for the wrong candidate, or be lost from infringement of the rules of voting—either result would be an anomaly.

3.—That as the number of illiterates—especially in Ireland—will be largely increased by the Franchise Bill, it will be still more necessary in the future to grant this assistance.

4.—That as the presiding officer and those attending in the booths are bound to secrecy, and as proper care is taken to prevent exposure, no infringement of secrecy is possible.

5.—That as the blind, and those physically incapable of marking the voting paper, are assisted by the presiding officer, the uneducated, who are equally unfortunate, should receive the same assistance.

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## CANVASSING.

It is proposed to prohibit canvassing at Parliamentary Elections on the part of the candidate, and systematic volunteer canvassing on the part of other persons.*

These proposals are upheld on the grounds:—

1.—(*a*) That canvassing stultifies to a very considerable extent the advantages of the secrecy of the ballot.

(*b*) That the liberty of the voter is most seriously curtailed in consequence of the pressure brought to bear on him by canvassers.

(*c*) That as they have been given the ballot, voters have a right to be protected from personal solicitation.

2.—That it leads to intimidation.

3.—That it leads to bribery, both by bringing the canvasser into direct contact with the voter, and by making known who are most likely to be amenable to a bribe.

4.—That it leads to much deception on the part of the voter.

5.—That many unauthorised promises are made and pledges taken, on behalf of the candidate, which he is not able to redeem.

* The Corrupt Practices Act of 1883, by strictly limiting employment, has prohibited for the future the use of paid canvassers. Personal and systematic canvassing, if unpaid, is, however, not affected by the Bill.

6.—(*a*) That the whole energy of the canvassers is practically directed towards inducing those to vote who have no political opinions or convictions.

(*b*) That if canvassing were abolished, the most indifferent and the most ignorant voters would not poll; and this would be an advantage.

7.—That under the ballot, canvassing has lost its former advantage of being a guide to the probable result of the poll.

8.—(*a*) That there would be little difficulty in defining candidate-canvassing and systematic unpaid canvassing.

(*b*) That in the same way that "agency" cannot be strictly defined, and has to be left to the election judges to decide, so "canvassing" could be left to their decision.

(*c*) But that as long as it is legal, both sides are obliged to undertake canvassing.

(*d*) That as both canvasser and canvassee dislike the system of canvassing, a law prohibiting the practice would be thankfully obeyed; and the necessity of deciding whether the law had been broken would seldom or never arise.

9.—That canvassing will not cease unless it be made absolutely illegal, with invalidation of election on breach of the law.

10.—That the supposed educating advantages of canvassing do not exist.

The prohibition of a personal canvass on the part of the candidate is also upheld, on the grounds:—

11.—That canvassing implies a vast waste of time and energy, without any compensating advantages of real personal intercourse between candidate and elector.

12.—That it is humiliating for the candidate to be obliged personally to solicit the votes of the electors.

13.—That by means of more frequent meetings and

deputations, the candidate could (and would) give the electors better opportunity of becoming acquainted with him, and with his opinions, than through the medium of canvassing.

On the other hand, the abolition of canvassing is opposed on the grounds :—

1.—That it would be a gross interference with the liberty of the subject.

2.—That as it is practically the candidate who solicits the suffrages of the constituency, and not the constituency which prays the candidate to stand, it is not unreasonable to expect that both he and his friends should take trouble and spend money in informing the constituency of his desire, and of his qualifications, to represent them.

3.—That its abolition would be greatly to the advantage of local men ; and local influence is sufficiently represented in Parliament.

4.—That constituencies would require more careful and laborious "nursing" between election times.

5.—(*a*) That it would be very difficult, and well nigh impossible, legally to define canvassing, while means would be easily found of evading the law.

(*b*) That it would be intolerable to impose silence on the question of the merits of the candidates, &c. ; and without absolute prohibition it would be impossible to draw the line between conversation and "canvassing."

(*c*) That it would be impossible to punish the candidate for a harmless excess of zeal on the part of some friend.

6.—That it would greatly increase the number of election petitions.

The personal canvass of the elector by the candidate is also upheld, on the grounds :—

7.—(*a*) That it is mutually advantageous to the candidate and to the elector to become personally acquainted with one another; while canvassing on the part of others has an educating effect on the electors.

(*b*) That this could not be done so effectually by means of meetings or deputations.

8.—That every voter has a right to see the candidate or his representatives, and to question him, or them, about the former's political opinions, and this he cannot conveniently accomplish unless canvassed.

## DISFRANCHISEMENT.

It is contended that the punishment of Disfranchisement, or lengthened suspension of writ, reserved for constituencies which are found guilty of very extensive electoral corruption, should be abolished; that in no case should the writ be suspended beyond the time necessary for the Royal Commissioners (who should be appointed in every case in which a member is unseated on petition for bribery) to report the names of those found guilty, and for them to be disqualified or punished.

The abolition of the punishment of Disfranchisement, or lengthened suspension of writ, is supported on the grounds:—

1.—That the aim of all prohibitory laws should be to shield the innocent, and to make the exposure and punishment of guilt as certain as possible.

2.—(*a*) That disfranchisement affects equally the innocent

with the guilty, and is therefore an unfair and harsh punishment.

(*b*) That it consequently tends to make the innocent desirous of shielding the guilty, lest they themselves suffer for the crimes of others.

(*c*) That a punishment which is undeserved acts as an irritant, and not as a warning; while the guilty rejoice in the immunity they receive through the vicarious punishment of the constituency.

3.—That petitions, being the initial step towards exposure of guilt, should be encouraged.

4.—(*a*) That petitions are discouraged through the fear of proving too much, and disfranchisement or lengthened suspension of writ following; for in such a case the petitioner would be no better, but worse off, than if he had not petitioned.

(*b*) That consequently the fear of disfranchisement is the most powerful incentive to prevention, quashing, or arrangement of petitions.

(*c*) While it leads to the suppression of evidence at the petition trial, and to the attempt to hoodwink the judges lest they should report that "extensive corruption" had prevailed, which report would necessitate a Royal Commission, to be followed perhaps by disfranchisement.

5.—(*a*) That consequently the corruption of the worst constituencies is seldom exposed—no one dares to petition.

(*b*) While in other cases a great deal of the guilt is effectually concealed, and many of the guilty escape.

6.—(*a*) That moreover the knowledge that a petition would almost certainly lead to disfranchisement, and that it would therefore be suicidal to file one, induces the side who would otherwise be pure to use corrupt means as their only chance of success.

(*b*) While the guilty side is encouraged to bribe still more

extensively by the knowledge that the greater the corruption the better is their chance of winning, while the chance of being petitioned against is decreased.

(*c*) That consequently the fear of disfranchisement often actually encourages and shields the corruption which it was intended to prevent.

7.—(*a*) That the knowledge that a fresh election must ensue if a petition were successful would encourage the defeated party to present one.

(*b*) Yet the cost and worry of even a successful petition is so great that frivolous petitions would be in no way encouraged.

(*c*) While the knowledge that a fresh election must ensue, would tend to make each side keep themselves pure at the first election, lest they too should be exposed and scheduled, and so be crippled for the possible subsequent election.

8.—(*a*) That as the guilty would have been scheduled and disqualified before the second election took place, it would probably be a pure one; more especially as those who would otherwise bribe, would be deterred by the still vivid recollection of the fate which had just overtaken their fellows.

(*b*) That even if the guilty were not actually punished for bribery, through the difficulty of obtaining a conviction, they would be prevented from taking any part in future elections.

9.—That consequently if the punishment of disfranchisement were abolished, petitions would be more numerous, the evidence at petition trials would be increased, the exposure and punishment of guilt would be encouraged, and elections would be purer.

10.—That the punishment of disfranchisement must necessarily be capricious; for no two Royal Commissions can be constituted exactly alike, and the result depends on their reports.

11.—That constituencies which had necessitated the appointment of Royal Commissions would not escape all punishment; they would have to pay the cost of the Commission, while the writ would have been temporarily suspended.

12.—That, therefore, though the actual punishment of disfranchisement is infrequently applied, and of itself is by no means injurious, the fear of it tends to shield and encourage corruption, and does more harm than the punishment, when inflicted, does good.

On the other hand it is contended :—

1.—(*a*) That a constituency which has shown itself to be so extensively corrupt as to merit disfranchisement is not unduly punished by being disfranchised.

(*b*) That no constituency which has merited disfranchisement could ever be purified.

2.—That the "innocent," so called, are really passively guilty; no constituency can be thoroughly corrupt if a large number of the electors are determined that it shall be pure. A constituency which is disfranchised can therefore fairly be considered to be so widely corrupt that the punishment is deserved by the electors as a whole.

3.—(*a*) That if the check of the fear of disfranchisement were withdrawn, bribery and corruption would be encouraged and increase.

(*b*) That as it is very difficult to persuade a jury to convict for electoral malpractices, bribery would go entirely unpunished, and the constituency would be in no way purified.

4.—That the number of petitions would be increased.

5.—(*a*) That it is only small boroughs which are disfranchised, and their disfranchisement is no loss to representative government.

(*b*) That as now (1885) the small boroughs are a thing of the past, disfranchisement is never likely to be enforced.

# REFORM OF THE PROCEDURE OF THE HOUSE OF COMMONS.

The modern form of "Obstruction" may be said to have taken its rise in the session of 1871, in the discussions on the Ballot Bill of that year. Since then it has become a settled institution, and an ever-increasing evil.

To meet it, Sir S. Northcote, in 1877, introduced his first Resolutions. As passed, they provided for the suspension of a member for the period of the debate, if thrice called to order; and that, in committee, the same member should not be allowed more than once to move the adjournment of the debate. The futility of those Resolutions was, however, immediately demonstrated by the 26½ hours' sitting of July 31, 1877. Again, in 1880, on the motion of Sir S. Northcote, a further standing order was adopted, slightly increasing the penalty and the facilities of suspension, for persistent and wilful obstruction.

The question was, however, first seriously taken up by Mr. Gladstone in 1881, after the provocation of a very prolonged debate on the Address, and of a 22 hours' and a 41 hours' sitting,* with general obstruction of business. The "urgency rules" were adopted, by which, when the

* The 41 hours' sitting was on the Coercion Bill, and was ended by the Speaker (Sir H. Brand) of his own monition, closing the debate, and refusing to call upon any further speakers.

"urgency" of any particular question was declared by the House on the motion of its leader, extensive power of closing the debate was conferred on the Speaker; while he was also authorised to frame and enforce rules affecting the forms of the House, calculated to diminish obstruction. The "urgency" rules were successfully applied more than once during the session of 1881.

In the following session, 1882, Mr. Gladstone opened up the whole question of the Procedure of the House of Commons, and introduced a series of new standing orders, adopting most of the "urgency" rules framed the previous session by the Speaker. Unable to pass his proposals in the course of the ordinary session, an autumn session was held to consider them. As ultimately adopted, they provided (1) Against Obstruction and waste of time:—(*a*) By the introduction of a "closure" rule, by means of which, if in the opinion of the Speaker it is the "evident sense of the House" that a question has been "adequately discussed," he can put the question without further debate; the proposal, to be effective, must, however, be supported by over 100 members when the minority is under 40, or by over 200 when the minority exceeds 40. (*b*) By increasing the stringency of the rules directed against disorderly conduct; a first suspension to involve exclusion for a week, a second for a fortnight, a third for a month; while power is given to the Speaker to silence any member for "continued irrelevance or tedious repetitions." (*c*) By depriving members of the power of moving the adjournment of the House, before entering on the Orders of the Day, in order to call attention to some question, unless the matter is a "definite" one "of urgent importance," and the mover is supported by 40 members, rising in their places. (*d*) By confining the discussion on an ordinary motion for adjourn-

ment of the House, or of the debate, to the subject of adjournment; and by prohibiting a member from twice moving, or twice speaking on the adjournment; while the Speaker is empowered to refuse to put a motion for adjournment if he considers it "an abuse of the rules of the House." (*e*) By altering the rules as regards "going into committee of supply," the "half-past twelve rule," &c., so as to facilitate business and economise time. (2) For devolution of business, by the appointment, as a sessional order, of two public Grand Committees, to consist of 60 to 80 members, one for Law and one for Trade and Justice, to which all Bills affecting these questions were to be referred; Bills reported to the House by the Grand Committees could be re-discussed by the House.*

Though these rules have unquestionably been of much use,† the existing forms of the House adapt themselves so readily to the delay of business, that the total length of the sittings has not been appreciably affected thereby—in fact, it is a question whether they are not longer than they ever were before—and the Government certainly absorb more than usual of the time allotted to private members.

It is proposed, therefore, that the whole Procedure of the House should be radically reformed, with a view (without entering into details), (1) Of giving to the majority the means of preventing Obstruction, waste of time, or improper behaviour on the part of

* The question of "Grand Committees" was discussed in the third edition of this book, published in May, 1881.

Grand Committees were appointed during the session of 1883, but have not been re-appointed.

† The "closure" rule itself has only once been actually enforced, namely, on February 24, 1885, and on that occasion, in consequence of the opposition and abstention of many members, the motion nearly failed to obtain the requisite majority, the numbers being 207 to 46.

members; (2) Of so altering the forms of the House, that, by curtailing the stages of Bills, altering the plan of questioning Ministers, and in other ways, time should be economised; (3) Of carrying out still further the system of devolution of business; and (4) Of handing over local matters to be dealt with by the localities themselves.*

These proposals are supported on the grounds:—

1.—(*a*) That the work devolving on the House of Commons is becoming day by day more and more impossible of accomplishment, and some change of procedure is absolutely necessary.

(*b*) That the present arrangements for transacting the business of the country were adopted before the introduction of steam or telegraphs; before the nation took such a lively interest either in home or foreign affairs; when the population and the empire were both much smaller; before members had developed such an unlimited power of talk; and before constituencies were so exacting.

(*c*) That, consequently, not only do an infinitely greater number of public and private questions come up for discussion and decision; but members expect, or are expected to discourse on these matters more often and at greater length than formerly.

(*d*) That while formerly the forbearance of members might be relied on to a very considerable extent, now certain members have no respect or regard for the convenience of others, the dignity of the House, or the benefit

* See the section on Local Government, p. 94, and that on London Municipal Reform, p. 81.

of the public; while some are distinctly returned in order to bring Parliamentary proceedings into contempt; the existing machinery is thus easily thrown out of gear.

2.—(*a*) That thus vast arrears of necessary and useful legislative work have accumulated; and it becomes almost useless either to introduce a contentious Bill, or to attempt to pass it.

(*b*) That in order to get them through, Bills have to be drawn as far as possible to avoid provoking amendment or discussion; efficiency, simplicity, and comprehensiveness are sacrificed to this necessity.

(*c*) That the earlier portions of the session are practically wasted by futile discussions, and such measures as ultimately become law, are passed at the tag-end of the session, and do not receive due consideration or adequate and discriminating amendment.

3.—(*a*) That not only is actual legislation prevented or unduly delayed, but the discussion of matters, which ought to be debated in the House, is prevented, or carried on in a perfunctory and useless manner.

(*b*) That this is more especially the case on the Estimates; adequate time cannot be afforded for practical and useful examination of the money votes, &c.

(*c*) That in order to get through part of its own work the Government of the day is increasingly obliged seriously to encroach on the time set apart for private members.

(*d*) That consequently the business of the country is ill done, or not done at all.

4.—(*a*) That the present system of procedure of the House, invites to delay and obstruction, by multiplying unnecessarily the opportunities for discussion.

(*b*) And that a minority, by the misuse of the forms of the House, is able effectually to delay legislation and to discredit Parliament.

5.—That without some considerable reform, even the existing efficiency of the House cannot be retained, while it is essential that its powers of work should be greatly increased.

6.—(*a*) That thus the authority of the House of Commons, and its respect before the country, are greatly weakened.

(*b*) That in a country where the Government is founded on a representative basis, it is alone possible to carry on the government, and to prevent dangerous ferment or revolution, if the representative body (Parliament) keeps pace with, and responds to, the wishes of the people.

(*c*) That it is not only useless, but positively dangerous, to admit a greater number of persons into the Constitution by giving them votes, if the executive machine cannot work freely. Desires and hopes are raised which cannot be peacefully fulfilled.

7.—(*a*) That in consequence of the long hours and laborious work involved, the energy, thought, and ability of ministers and members are frittered away on comparatively useless or trivial matters, incapacitating them for the real work of the House or of their Departments. Thus national legislation is paralysed and hindered; while local interests, as affected by the Committees of the House, also suffer.

(*b*) That to prolong the session would be merely to prolong the work and the strain on ministers and members.

8.—That the result of the present system is to disincline

the best class of men from standing for Parliament, and to throw politics more into the hands of professional politicians —a serious evil.

9.—That when freedom of speech, which was devised for the protection and promotion of liberty and justice, is used merely to further the selfish ends of faction or of individuals, it is time to curtail it.

10.—(*a*) That the majority ought to retain the full power of giving effect to its opinions, and no small minority should be enabled continuously to thwart its wishes.

(*b*) That any high-handed injustice on the part of the majority (or of the Speaker as representing the majority) is now-a-days impossible; the House of Lords, the press, and public meetings will always be at the command of an honest minority, or of those supporting a genuine grievance.

(*c*) And that no Government would be foolish enough to use its majority to stifle real discussion; such action would be suicidal.

(*d*) That even if this were not so, it is a greater evil that the majority should be rendered impotent, than that the minority should be suppressed.

(*e*) That a public assembly (with open reporting) is more likely to be in the right, on a question of obstruction, than the individual affected by its action.

11.—(*a*) That the boundless licence of the Few seriously curtails the liberty of the Many; existing "freedom of discussion" for a few members is complete exclusion from discussion for the vast majority.*

* In 1880, Lord Hartington quoted some figures which bear out this argument, as follows:—

During the three months of the short broken session of 1880, six members

(*b*) That the chief obstructives are, as a rule, those least worthy to be heard; as they speak on every subject, they can have no special knowledge entitling them to indulgence.

(*c*) That the number of those who desire to speak has increased greatly of late years; all the more, therefore, should there be a fair distribution of time amongst them.

(*d*) That the power of prevention of speech would only be used as a last resort, and not until the rights and privileges of the many had been wantonly abused by the few.

12.—(*a*) That every assembly has a distinct right to insist on the observance of its laws—written or unwritten—by all its members; and if any member, by obstruction or by ungentlemanly conduct, makes himself objectionable, the assembly should have full power to deal severely and summarily with him.

(*b*) That this is more especially the case, when the assembly is the highest in the kingdom, and representative of the whole nation.

13.—(*a*) That the longer action is deferred, the more difficult will be the solution.

(*b*) That no passive waiting is likely to lessen the evil; obstruction is on the increase, and certain to continue; the "stock-in-trade" necessary to carry on the business is so small, that almost anyone can furnish it, while the ignoble love of notoriety is gratified at small cost.

(*c*) That as the aim of the Irish obstructionists is to

—Lord R. Churchill, Sir H. Wolff, Mr. Gorst, Mr. Biggar, Mr. Finigan, and Mr. A. O'Connor—made between them 407 speeches, and in addition asked 166 questions. Allowing ten minutes only for each speech, and putting aside the questions, if all the other members occupied the same amount of time as these six, each session would last over eight years!

discredit the House by their tactics, there is no probability of amendment on their part.

14.—That the necessity of encountering obstruction by physical force, in order to carry through legislation, is in the highest degree demoralising.

15.—That the new rules which have been made of late years form a sufficient precedent for further extensive reforms.

16.—That the chief representative bodies in other countries possess within themselves the power of checking obstruction, and that the power is not abused.

On the other hand, any action in the matter is opposed on the grounds:—

1.—(*a*) That the present system of procedure has worked well for years, and it would be a misfortune to break with the tradition of the past in such a matter.

(*b*) That Parliament has hitherto been able to cope with the difficulty of obstruction; it would be a mistake therefore to tamper with its forms on account of a temporary embarrassment.

2.—(*a*) That it would be dangerous to give to a majority the power of silencing the minority.

(*b*) That had such a power existed formerly, it would have been frequently exercised in cases in which the country now recognises that the minority were in the right.

3.—(*a*) That obstruction has at times been of use in

forcing the majority to reconsider their proposals, and to amend them for the better.

(*b*) That legislation of a totally different character to that assented to by the people at the general election, is now often pressed forward, without their having an opportunity of expressing an opinion on it; and unless it is delayed and obstructed, that opportunity will never arise.*

4.—That, practically, all necessary work is accomplished somehow or other, and it would be a great evil if greater encouragement and facilities were given to the introduction and adoption of innumerable fancy reforms; legislation is quite rapid enough as it is.

5. That if the change proposed were adopted, other and more stringent regulations would follow, and all freedom of debate would be crushed.

6. That to curtail full and free liberty of speech would be a humiliating confession of national decadence.

[The arguments which would be urged by those who desire to bring Parliamentary Government into contempt, are of course omitted.]

* See section on Reform of the House of Lords, paragraphs 11. (*d*), (*e*), and (*f*), p. 71, and 4, p. 68.

# THE REFORM OF THE HOUSE OF LORDS.

It is urged that the House of Lords on its present basis has become a constitutional anomaly, and that it must either be swept away altogether, leaving the House of Commons to stand alone; or that its constitution must be so radically altered that it shall become a more popular and representative body—somewhat on the lines of most "Second Chambers," abroad.

The reform of the House of Lords is supported on the grounds:—

1.—That an institution, to be allowed to exist, must satisfy the requirements of general utility—and this condition the House of Lords does not fulfil.

2.—That the existence, as one of the estates of the realm, of an oligarchical, irresponsible, and unrepresentative body of hereditary legislators, is out of harmony with the spirit of the age. England alone, among nations, possesses such a legislative body.

3.—That whereas the tendency now-a-days is towards popular representative self-government, the nation has neither voice in the selection, nor control over the proceedings of the House of Lords; it is therefore a check on democratic rule.

4.—That it is an absurdity for a number of individuals to have the power of over-riding or thwarting the popular will

as expressed by the House of Commons; and more especially is this the case when the vast majority of them are legislators merely because their fathers or ancestors were made peers—by reason of their birth, wealth, good, valorous, or shameful deeds, their success or failure in politics, &c.

5.—(*a*) That the ordinary attendance of the Peers in the House of Lords is small and perfunctory.

(*b*) That the important votes of the House of Lords are not decided by the professed politicians, but by the whipping up, as occasion requires, of peers who take no part in, care nothing, and know less about politics.

6.—(*a*) That the Lords are representative of but one class, the landlords, and one interest, the land.

(*b*) That the legislation which the Lords chiefly obstruct, is that which they imagine affects themselves, more especially as regards land; their own personal or class interests being allowed to stand in the way of national progress.

7.—(*a*) That decade by decade the House of Lords has in every way—in wealth, numbers, opinion—become less and less representative; while according to the expressed opinion of the leader of the House of Lords himself—Lord Salisbury—it has grown of late years more Conservative. Thus it has become and is becoming more and more opposed to the popular will, which is increasingly Liberal.

(*b*) That the forty-four co-optatively elected Irish and Scotch Peers are invariably Conservatives, though a very small proportion of the ordinary parliamentary electors in those countries are Conservative.

8.—(*a*) That the existence of the House of Lords injures and retards liberal legislation. Being a Conservative body, Conservative Governments—however progressive they may be—receive its support, while Liberal Ministries are invariably opposed and thwarted.

(*b*) That with a Liberal Ministry in office, the relative and natural positions of the Government and the Opposition are reversed in the Lords. The Leader of the Opposition is practically the Leader of the House, and the Government are always in a minority.

(*c*) That all Liberal legislation suffers in thoroughness from the existence of an irresponsible Upper House. Every Government measure proposed has to be drawn with a view of passing that House, amendments are introduced in the Commons with the same object in view, and the bill is still further amended in the Lords.

9.—(*a*) That the Lords can, and often do, over-ride the judgment of the Government, the decision of the House of Commons, and the will of the country which sustains both.

(*b*) That often when the Commons, after anxious thought and laborious care, have passed an important measure, the Lords throw out or mutilate the Bill, and thus render barren the Session.

(*c*) That powerful governments, with the nation at their back, have to appeal to the Lords as suppliants—an undignified position in which no government should be placed.

10.—(*a*) That the only limit which exists to the destructive and damaging power of the Lords is the expediency of using it—their authority is tempered by necessity alone. Within the limits of supposed danger to themselves they act as they will.

(*b*) That more than once when the Lords have overstepped this limit, it has become necessary for the Ministry of the day to create, or threaten to create, a sufficient number of peers to constitute a government majority; thereby reducing the constitutional action of the Lords to an absurdity.

11.—(*a*) That an unrepresentative and avowedly Con-

servative body is thus almost omnipotent, the result being that it is continually coming into conflict with the national will; questions which the country is bent on closing are kept open, and discord and irritation are created and continued; while, when submission is at last made to public pressure, all the grace of concession has evaporated.

(*b*) That this body has systematically and obstinately opposed every great reform of the present century, especially in the matter of civil and religious liberty.

(*c*) That as the House of Lords is out of harmony with the progressive spirit of the age, even when it accepts a reform, it mars and mutilates it, and prevents it from being thorough and lasting.*

(*d*) That more especially has this been the case with Irish legislation; much of the disquiet state of Ireland is due to the irritation caused by the persistent refusal of the Lords to pass measures of justice, and to the mutilated form in which Irish Bills are unwillingly allowed to pass.

(*e*) That not only do great measures of importance and principle suffer at its hands, but very many small and necessary measures are delayed, emasculated, or rejected.

(*f*) That thus, while its existence is defended on the ground that it educates public opinion, delays precipitancy, modifies extremes, and perfects legislation, it really obstructs, mars, and irritates.

(*g*) Instead, therefore, of the House of Lords being an element of stability and permanence, it is a source of obstruction, disturbance, and irritation.

12.—(*a*) That it is no real check on the House of Commons. Moreover, the Opposition and the "Wavereers" in the Commons have always prevented any undue haste in accepting or passing measures, and the difficulty now-a-

* Such, for instance, was in some degree the case with the Irish Land Bill of 1870. See my "Irish Land Bill of 1870, and Amendments thereon."

days is to legislate at all; the Lower House is, therefore, far from requiring an extraneous check on precipitancy.

13.—That the House of Lords has, of necessity, less and less work given it to do, and is becoming, therefore, of diminished practical value as a legislative body. A Liberal Government cannot, with any prospect of success, introduce its Bills into the Lords; while by the time the great measures of the Commons are sent to the Upper House, public interest in them is more or less exhausted, and there is little scope left for originality.

14.—(*a*) That the existence of the Upper House is becoming more and more of a paradox, and something must be done to revivify it. If it adopts a motion of non-confidence in a Liberal Government the vote is treated with silent contempt. It is obliged to accept measures of which it disapproves; while its amendments are often summarily rejected and reversed by the Commons—and each time it is thus forced to give way its influence is diminished.

(*b*) That every time it strongly resists a Liberal Government it loses somewhat of its power, by raising up a feeling adverse to its action and existence.

(*c*) That thus at one period it is treated with contempt, and at another it is assailed with menace and reproach. In either case its prestige and power suffer.

15.—That the existence of the House of Lords deprives the country of the best services of many able and useful politicians, inasmuch as their powers, energy, and ability are hampered and emasculated by being confined to the Upper House; its reform or abolition would enable such men to take a larger part in politics.

16.—That the anomalous position in which the Lords are placed is their misfortune, and not their fault; they can hardly be blamed if they act on the authority committed to them, and prefer to lose their existence as a corporate body,

—and be allowed to take their part in politics in other ways—rather than consent to submit to a gradual diminution of their influence and power.

17.—(*a*) That the fact that a certain number of offices in the Government have to be allotted to peers, occasionally leads to, or necessitates the appointment of an inferior man, because he is a peer, instead of some commoner of greater ability.

(*b*) That the peers in charge of Government offices are not as accessible to public interrogation as they would be if they were in the Commons.

18.—(By some.) That by limiting the number of legislative Peers, by selection and election from amongst their body, by the creation of Life Peers, and by a limitation on the right of veto, much might be done to render the Upper House more representative, and to make it an efficient and necessary estate of the Realm.

19.—That the position of the Scotch Peers at least requires alteration. A certain number are elected by them, from among themselves, to sit in the House of Lords; but, as there is a Conservative majority, none except Conservatives are ever chosen. A Scotch Liberal Lord has therefore no prospect of being elected a representative peer, and as he is ineligible for the House of Commons, he is ostracised from politics.

On the other hand, any radical alteration in the existing constitution of the House of Lords is opposed, on the grounds:—

1.—That a constitutional institution which has grown up with the nation's growth, should not be pulled down unless it can be shown that great advantage would follow its destruction.

2.—(*a*) That though the existence and constitution of the House of Lords cannot be defended on theoretical and

logical grounds, its continued existence is of great practical advantage to the State; the Constitution works very well as it stands.

(*b*) That the Constitution of the House of Lords is not by any means perfect or ideal; but the country desires a Second Chamber, and the existing Chamber is better than would be one artificially constructed.

3.—(*a*) That the English nobility have hitherto deserved and retained their hold over the respect, confidence, and affection of the people; and—to the advantage of equality—are a less distinct class than the aristocracy of any other nation.

(*b*) That the Upper House has become more and more truly representative, in consequence of its ranks being continually recruited from the People.

4.—(*a*) That the argument urged for reforming the House of Lords,—that it has not always gone so far or so quickly as the Commons,—is reason rather for desiring to leave it alone.

(*b*) That when it has delayed legislation, it has always had the sympathy of a large proportion of the House of Commons.

(*c*) That by preventing, modifying, or delaying hasty, ill-digested, or unjust measures, it puts a proper and constitutional check on precipitancy and extremes, allows time for popular opinion to mature itself, and thus prevents the Government from acting on first impulses, or under the influence of sudden passion or excitement, or in obedience to a chance majority.

(*d*) That more especially is it an effectual barrier against demagogic rule, or the "one-man power."

(*e*) That though perhaps the House of Commons may not very often be over hasty or rash in legislation, its moderation is greatly due to the latent knowledge that the House of Lords will have a voice in the matter, and that its

opinions must be consulted. Remove this check, and legislation would immediately become more rash and precipitate.

(*f*) That the result of this influence has been, that while in certain cases legislation may have been somewhat delayed, when a Bill is ultimately passed, it has been so well considered, and is of such a satisfactory nature, that reactionary legislation is never necessary—and thus progress, though slow, is sure.

5.—(*a*) That when popular feeling has been definitely expressed, the House of Lords, if at variance with the national will, gracefully subordinates its own opinions, and gives way.

(*b*) That within the last fifty years especially, the Lords have assented to a vast number of most useful reforms.

(*c*) That though, theoretically, the power of the Lords is unlimited, practically it is kept within very reasonable and moderate bounds.

(*d*) While, if necessary, the Government can override the majority of the Lords by the creation of fresh peers, by Royal Warrant, or by tacking a clause on to the "Appropriation Bill," which the Lords must pass, or reject, in its entirety.

6.—(*a*) That it is easy to talk loosely of the Reform of the House of Lords, but practically, unless the Upper House will reform itself, this cannot be accomplished without a dangerous revolution.

(*b*) That the existence of the Throne is bound up with that of the House of Lords; if one were destroyed the other would soon follow.

(*c*) That if the constitution of the House of Lords were once touched, its end would soon follow. It survives chiefly through the existence of a feeling of veneration and sentiment; this feeling once disturbed, the anomalies of its existence would become apparent, and it would be doomed.

7.—(*a*) That some Second Chamber is essential to the

Progress, Prosperity, and Peace of the nation, and as a check on the People.

(*b*) That no brand-new Second Chamber could ever take the place now occupied by the House of Lords. It would not command the respect of the country or of the House of Commons; while if it were very powerful, it would be constantly coming into conflict with the Lower House.

(*c*) That the House of Lords once pulled down could never be replaced in any permanent, useful, or satisfactory shape.

8.—That if the House of Lords were destroyed, the "machinery of the 'caucus' would be used to endeavour to prevent the House of Commons from exercising its functions with discrimination and freedom."

9.—(*a*) That the ultimate extinction of the House of Lords is certain. It is better, therefore, to leave it gradually to die a natural death, than to hasten its end at the risk of conflict and agitation.

(*b*) That year by year it is becoming weaker, and more impotent to do harm; while an unsuccessful crusade against it might revive and invigorate its vitality.

10.—That if it were reformed, it would become stronger, and the House of Commons therefore relatively weaker; and this would be a misfortune.

11.—(*a*) That if the House of Lords were abolished, the House of Commons would be swamped with peers—the fact of a man's being a peer has great influence in many constituencies—and would become more aristocratic and conservative, to the hindrance of progress and reform.

(*b*) That consequently an agitation would spring up for the creation of a Second Chamber in order to rid the House of Commons of its Peers.

12.—That even if it were true, that the legislation which the Lords chiefly prevent or amend is that which mostly

affects themselves, they must be acknowledged to be intimate with the subject; while it ought also to be considered whether those who press forward such legislation have not also "sinister interests."

## THE EXCLUSION OF BISHOPS FROM THE HOUSE OF LORDS.

At present twenty-six bishops sit and vote in the House of Lords as Life Peers in virtue of their office. It is proposed to deprive them of their legislative powers and their seats in the House.

This proposal is supported on the most diverse, and sometimes diametrically opposite grounds, namely:—

1.—That if it be inexpedient to prohibit the clergy of the Church of England from being elected to the Lower House, it is inexpedient to allow the bishops to sit in the Upper House.

2.—(*a*) That the legislative functions of a bishop interfere greatly with his diocesan work and episcopal functions—already so manifold as to be nearly overwhelming.

(*b*) That either he must neglect his legislative work, or he must partially withdraw his presence and influence from his diocese; in trying to perform both functions, he probably does neither well.

(*c*) That more especially the presence in London of the youngest bishop—as ex officio chaplain to the House of Lords—is undesirable, being just at the time when it is most necessary that he should devote his undivided attention to his episcopal functions.

3.—(*a*) That the bishops lose in popular sympathy, from

the possession by them of exceptional and anomalous political privileges, especially as these are tinged with political partisanship.

(*b*) That this is more especially the case, inasmuch as the bishops have mostly shown themselves by their votes and speeches to be opposed to progress; and have never used their political power to the real advantage of the Church or the community at large.

(*c*) That thus the Church, and the Christian religion, suffers in the general estimation.

(*d*) That the withdrawal of these exceptional privileges would strengthen and not impair the influence and position of the bishops; and the Church itself would thus gain from their exclusion from the House of Lords.

4.—(*a*) That it is neither right nor just that one section of religious belief—and that a minority, or at least a bare majority—should alone be ex officio represented in Parliament.

(*b*) That the exclusion of the bishops from the House of Lords would remove a great cause of sectarian irritation.

(*c*) That thus Disestablishment would be the less pressed forward.

5.—That to remove the bishops from the Upper House, would be further to sever the connection between Church and State, and be a great step towards Disestablishment.

6.—(*a*) (By some.) That the inclusion of bishops amongst the peers weakens rather than strengthens the House of Lords. The bishops have not the freedom of action of life-peers, for they speak as delegates, while they are not really representative, are responsible to no one, and owe their nomination to the Prime Minister.

(*b*) (By others.) That to exclude the bishops from the House of Lords would be a democratic step, tending to weaken the Upper House, by depriving it of men of acknow-

ledged ability, life-peers, and men more or less representative.

7.—That the possession of legislative functions by some bishops, and not by all, is an anomaly.

On the other hand it is urged :—

1.—(*a*) That so long as the Church is joined with the State, she ought to have, and is entitled to have, a representative voice in framing laws which she will have to obey, and in assisting to determine on matters affecting the people.

(*b*) That more especially as "Turks, Jews, Infidels, and Heretics" have full liberty to speak and vote in Parliament on matters affecting the Church, she should not be left entirely at their mercy, and alone be deprived of a voice in the Councils of the Realm.

(*c*) That while it is inexpedient, and out of harmony with their spiritual functions, to allow the clergy personally to involve themselves in party contests, there is nothing undignified or prejudicial in allowing bishops to sit in the House of Lords.

(*d*) That as ministers of other denominations can, and sometimes do sit in the House of Commons, these sects obtain as full a representation in Parliament as the Church of England does through her bishops in the Peers.

2.—That the position of the Church would be lowered in the eyes of the people and much harm be done to religion —if her bishops were publicly degraded by being excluded from the Upper House.

3.—(*a*) That it is a principle, not only of the Protestant religion, but of the British nation, that the clergy should in no way be a "caste" by themselves, but should be ordinary members of the community.

(*b*) That while, as already stated, it is inexpedient to allow the clergy to be eligible for Parliament, it is greatly to the

interests of the people and of the bishops themselves, that the latter should be brought into contact with the world through their position in the Constitution, and thus be enabled to carry out their work with greater knowledge and discretion.

4.—(*a*) That the attendance of the bishops to their legislative work need not, and does not interfere with a due regard for their episcopal and diocesan functions.

(*b*) That matters affecting the Church seldom arise in the House of Lords; while the sittings of the Upper House are so infrequent, and so short, as to absorb but little time or attention.

(*c*) That large numbers of business men find time, without neglecting their own work, to attend the House of Commons with its more numerous sittings and longer hours.

(*d*) That if the Church were disestablished, the bishops, as necessarily members of the governing body of the Church, would still have to be in London for a considerable part of the year.

5.—That, as the bishops are men of ability, and bring variety and a representative element into the Upper House, to exclude them would be to lower the character and position of the House of Lords.

6.—That as the "Lords Spiritual" are a recognised part of the Constitution, to permit any tampering with their position would be to play into the hands of the democratic party; and to weaken the position of the House of Lords against attack.

7.—(*a*) That to permit the bishops to be excluded, would be to surrender an important outwork of the Establishment, and to render more easy the accomplishment of Disestablishment.

(*b*) That to allow the exclusion would be to confess that the Church of England was not truly representative of the nation.

# LONDON MUNICIPAL REFORM.

The Metropolis contained in 1881 a population of 3,813,000 persons; its rateable annual value amounted to £28,000,000, of which the City, with 51,400 inhabitants, was responsible for £3,590,000.

The authorities who, between them, control and govern the Metropolis are as follows:—

(i.) The Corporation of the City of London,—consisting of 206 common councilmen and 26 aldermen,—which has full municipal authority over the City, and levies therein rates and taxes.

(ii.) The Metropolitan Board of Works, constituted in 1855—43 of whose members are elected by the vestries, and 3 by the Common Council—which, throughout the extra-city metropolitan area, controls the main drainage and sewerage, Thames embankment and floods, bridges, street improvements, buildings, naming and numbering of streets, dangerous structures, artizans' dwellings, commons, parks, and open spaces, fire brigade,* nuisances, explosives, cattle disease, &c.

(iii.) The twenty-three Vestries and fifteen District

* The state of the case as regards Fires is a good instance of the confusion of authorities which at present exists. The fire brigade is under the authority of the Board of Works, the police obey the Home Office, the salvage corps is under the command of the Fire Insurance offices, the turncocks are servants of the Water Companies, and the thoroughfares are the property of the Vestries.

Boards—the members of which, numbering 2,446, are (nominally) elected by the ratepayers, a third of the members retiring each year — who control the paving, lighting,* watering, branch drainage, cleansing, and sanitary matters, &c., in their respective districts, and who assess the houses and levy parochial rates for these purposes, and for poor-law administration, as well as to meet the precepts issued by the Metropolitan Board of Works and the School Board. The rates vary in different parishes, from as little as 3*s.* 4*d.* to as much as 7*s.* 4*d.*

(iv.) The School Board—the 50 members of which are directly and publicly elected by the ratepayers every three years—which has charge of, and control over the elementary education of London.

(v.) The thirty Boards of Guardians — elected or appointed in different ways—who have charge of the poor-law administration. There is also an Asylums Board—which consists partly of guardians, partly of nominees of the Local Government Board—to look after the sick poor.

(vi.) The Thames Conservancy Board—non-representative—which has the control of the River Thames.

(vii.) In addition, the Home Secretary has control of the Police Force outside the City, while within the City it is under the control of the Corporation.

The Home Secretary also has jurisdiction over the Cabs. The Water and Gas Companies are private concerns.

The London Government Bill of 1884 proposed to extend the Corporation of London to the whole area of the Metropolis as defined in the (amended) Act of

* The lighting, however, of some of the parks is in the hands of the Commissioner of Woods and Forests, while others are lighted by the Board of Works; moreover the Board of Trade have supervision over the gas supply.

1855, so as to include the existing Corporation of the City, the Vestries and District Boards, and the Metropolitan Board of Works, with their rights, privileges, and powers. The Central Body, thus formed, was to consist of 240 members, to be directly elected by the ratepayers every three years. In order to preserve local interests and to obtain local knowledge and assistance, a "District Council" was to be formed for each of the thirty-nine districts of London. The functions and powers of these District Councils were to be defined by, and to proceed from the Central Body, while the members were to be elected directly by the ratepayers with the members of the Corporation.

Education, Poor Law, and Police (except so far as they are already under the control of the Corporation of the City) were to be excluded from the functions of the new Body; and it was to be instructed to introduce bills dealing with the questions of gas, water, and cabs.

The Reform of the Municipal Government of London on the lines of this Bill, is supported on the grounds*—

1.—That while other corporations have been reformed, and have enjoyed self-government for fifty years, London alone—and that merely through a delay in the report of a Royal Commission—has been left unreformed.

* No attempt has, of course, been made to enter into argument on the details of the Bill.

2.—(*a*) That London, containing a population larger than that of Scotland, possesses less representative local self-government, and is worse governed,—than almost any other large town.

(*b*) That the present authorities in London are multifarious, their districts overlap and interlace, their powers and duties conflict and coincide; while they are elected on various tenures, by various methods, and for various terms.

3.—That taxation and representation should go together, whereas, at present, the ratepayer in London has practically no voice in the election of those who disburse the rates.

4.—(*a*) That centralization and decentralization are relative terms; it is impossible to say where the one begins and the other ends. That is, however, undoubtedly true decentralization which takes away local duties from Parliament and the Executive Government, and that true centralization which hands over these duties to local bodies.

(*b*) That local self-government means self-government over the whole of any area which has its interests in common. London is homogeneous, and cannot be divided for municipal purposes.

(*c*) That this Bill, by providing for the creation and popular election of district councils, and the utilization of local knowledge and interest, combines real local decentralization with the general centralization and harmony of working essential to the municipal government of London.

5.—(*a*) That one central representative body is essential in order to relieve Parliament, and the Executive, of matters Metropolitan; duties which they must do (or leave altogether undone), because there is no existing body powerful enough and representative enough to undertake them.

(*b*) That a central body is essential in order more fairly to equalise the municipal rates, which vary enormously in

different parts of London; and to prevent the richer districts, by their legitimate improvements and buildings, ridding themselves of the burden and responsibility of the displaced working classes,—a state of affairs which is tending more and more to create "class" districts, thus constituting a grave social danger.*

(*c*) That a central representative body would alone be able to undertake substantial public improvements, the erection of buildings of public convenience and necessity, and deal satisfactorily with such matters as the Housing of the Poor, and with the questions of gas, water and cabs.†

6.—(*a*) That a community of interests between different parts of London does already exist to a very large extent: such matters as drainage, sanitary inspection, communications, improvements, bridges, housing of the poor, markets, open spaces, floods, traffic of all sorts, fire brigade, gas and water, vitally affecting all.

(*b*) That with one central body this community of interests would be still further increased; and it is very important, in order to avoid social and class dangers, that such community of interests should exist and increase.

7.—(*a*) That the necessary knowledge of the wants of the different parts of the Metropolis would be easily acquired by members of a central body.

(*b*) That questions would be judged and decided as affecting the general interest, and without the prejudices, partialities, and sinister influences which often prevail in the decisions of local bodies.

* See sects. 6 (*b*) and 13 (*c*).

† As practically endorsing the necessity of a governing body for the whole of London, in order to deal effectually with the question of the Housing of the Poor, see First Report of the Royal Commission on the Housing of the Working Classes, 1885.

(*c*) That purely local details would still be left to the district councils.

8.—That these objections—the lack of community of interests, and the impossibility of acquiring a general knowledge of the wants of London—have been entirely refuted by the existence and work of the Metropolitan Board of Works. That body—small in numbers, unrepresentative, and restricted in power though it be—has shown not only that London has vast interests in common, but that it is possible for a central body to possess a practical knowledge of the wants of the Metropolis combined with a minute supervision over details. A larger, more powerful and more representative body would be still better able to carry out the municipal work.

9.—That the size of the Corporation would enable it to command the services of men of varied information and opinions; while, as its chief administrative work would be done in Committee, its numbers would be no hindrance to the despatch of business.

10.—That other large towns, Birmingham, Manchester, &c., are well and efficiently governed by one central body.

11.—(*a*) That a simplification and consolidation of the existing duties and areas would greatly economise labour.

(*b*) That the more extensive the duties and the greater the responsibility, the better and more able the men who would be induced to undertake the unpaid duties, while those who now undertake them merely for their own advantage would be repelled; thus suspicion of jobbery would be lessened, and the work would be better done.

12.—(*a*) That, when called upon to elect members for a large and influential body, the ratepayers would take an interest in the selection and election of candidates; and the scandal of men being elected to municipal office by half-a-dozen ratepayers would be avoided.

(*b*) Moreover the electors, knowing their members, would pay attention to their doings, and be interested in the work of the Board.

(*c*) That the duty of electing members to the central body would thus exercise an educating effect over the ratepayers themselves.

13.—(*a*) That the representative system, by necessitating publicity, by bringing public control and public audit to bear, would result in greater economy and increased efficiency; those elected would feel a greater sense of responsibility and trust. At present most of the authorities are wedded to old ways, and are scarcely influenced by public opinion; while a suspicion of jobbery, waste and extravagance attaches to many vestries and vestrymen; and in the City Corporation no proper accounts of expenditure are made public.

(*b*) That as the authorities act on no uniform principle, neighbouring parishes are governed on different systems; while the average cost for the same description of work, and the expenses generally, vary enormously and without adequate reason.

(*c*) That in the poorer districts, where the valuation being lowest and the rates being highest, the expenditure should be most economised, there is most extravagance, mismanagement and jobbery; just where good government is most essential, it is most difficult to obtain good administrators; thus where most is required, least is obtained, and the expenditure is greatest.

(*d*) That in consequence of the Corporation of the City of London claiming and exercising the right to a monopoly of the fish and meat trades, &c., the cost of some necessaries of life are greatly enhanced to the inhabitants of London.

14.—(*a*) That a consolidation of authorities, duties, areas, and offices, would greatly economise office expenses; would

avoid the litigation so prevalent between the different authorities in London; would enable the Corporation to pay larger salaries, and thus to obtain an abler and more efficient staff; and by enabling the work to be done on a larger scale would ensure greater uniformity and economy

(*b*) That if the Corporation were extravagant, it would be the fault of the ratepayers themselves—for every three years they would be able to enforce their will on the subject.

(*c*) That the loss of competition which would ensue in consequence of monopoly and greater uniformity of action would not be injurious. A large representative body would always be ready to test and adopt improvements.

15.—That no possible danger to the State is likely to arise from the institution of one central body—more especially if the police are kept in the hands of the Home Office. The Corporations of Birmingham and Manchester have not followed the example of the Communes of Marseilles and Lyons, and London would not imitate Paris.

16.—(*a*) That, by being made more powerful and more representative, a public institution is not extinguished, but exalted.

(*b*) That the "extinction" feared by some of those at present engaged in the work of the Corporation, is really that of themselves, and not of the Corporation.

17.—That while the rights, privileges and property which belong to the City, as such, will be respected, those which have been given to the City as representing London at large, will now be applied for the benefit of all.

18.—(*a*) That everyone now allows that some reform of the municipal institutions of London is necessary, and differ merely as to the best mode of reform to be adopted.

(*b*) That the only alternative suggested to the creation of

one central body, is the erection of several separate municipalities, one for each of the Parliamentary boroughs.* But the boundaries of the Parliamentary boroughs are purely artificial, and vary with every Redistribution Act, while for the creation of separate municipalities, distinct local interests and wants must be shown to exist. To create several municipalities would involve the existence of several artificial boundaries, while the incorporation of London as a whole involves at the most but one, and that a boundary already recognised and de-limited under the Board of Works.

(*c*) That the whole tendency of recent legislation as regards London, has been towards centralization, by continually thrusting fresh duties on to the Board of Works; while, if London were cut up into several municipalities, a central body would still be necessary for many purposes.

(*d*) That to create several municipalities would be to weaken instead of to strengthen the central body; and thus to fail in obtaining the most essential advantages of reform —relief to Parliament and the Executive; further equalisation of rates; power to deal with large and important questions; uniformity of administration, economy and saving in litigation; overriding of local interests for the public welfare, &c.

On the other hand it is contended :—

1.—(*a*) That over-centralization is a mistake, and any tendency in that direction is to be avoided.

(*b*) That the proposed reform is a vast scheme of unworkable centralization; and, by it, local self-government would be entirely destroyed.

* This paragraph is left as it appeared in former editions, though the proposal to create separate municipalities on the areas of the Parliamentary boroughs must have been destroyed—or been reduced to an absurdity—by the passing of the Redistribution Bill of 1885, which has increased the number of Parliamentary boroughs in London proper from ten to fifty-eight.

2.—(*a*) That the proposed de-centralization by means of "district councils" would be a farce; depending, as they would, entirely on the central body for their functions and authority, they would be powerless in every way.

(*b*) That, moreover, the "district councils," having so little power and responsibility, would not attract to their service men such as those who now devote so much time to the municipal affairs of London.

(*c*) That thus the whole power and the whole work would be absorbed by the central body—composed of untried men; and instead of the municipal work of London being undertaken by thousands of voluntary workers, it would be monopolised by a few.

3.—That as it would be impossible for the members of the central body to do the work thus monopolised by them, it would of necessity fall into the hands of paid officials, and be badly and extravagantly carried out.

4.—That in order to accomplish the work, a large Board would be necessary; while the work itself would be hindered by the very size of the Board.

5.—(*a*) That the necessity of incurring the trouble and expense of a general election every few years, would deter the best men from coming forward to assist in the work.

(*b*) That in London there is no feeling of citizenship which would tend to attract the best men to the services of the Municipal Government.

(*c*) That the men who would chiefly seek election on the central body would be those who had some personal interest or ambition to serve; while those who now give so much valuable service to municipal matters would be repelled.

(*d*) (By some.) That even if at first a higher class of men were attracted to the public service, they would, as time went on, give place to men of the class of the typical "vestryman," who being then invested with much more power than

they can now possess, would be able to carry out their peculiar ideas on a larger scale; and this would be fatal to public convenience, efficiency, and honesty.

6.—That it would be ridiculous to put to the test of a public vote questions of gas, drainage, paving, etc.

7.—(*a*) That London is in no way homogeneous; it is a province covered with houses; the inhabitants of one part have no community of interests with, or knowledge of the wants of, those of other parts.

(*b*) That therefore it would be impossible for one large central body to gauge local requirements as efficiently as can the existing local bodies.

8.—That there is no analogy between London and other towns: London is many times larger than the largest provincial town.

9.—That London is practically limitless; the boundary of 1855 (which fixes the area of jurisdiction of the Metropolitan Board of Works) is purely artificial, and outside of it there are many hundreds of thousands of citizens as much entitled to municipal government as those within. Thus to take that boundary—or any boundary—would be to create an artificial area, and not a municipality with separate and distinct wants and interests.

10.—(*a*) That London is well and efficiently governed; the vestrymen and others, more especially the Corporation of the City of London, have shown that they can perform their work with zeal, efficiency, and economy, and it would be foolish and unfair to interfere with them in any way.

(*b*) That the Board of Works carries out its duties to the satisfaction of all; and no other or more powerful central body is needed.

(*c*) That the health and order of London compares very favourably with that of other large towns, proving that the existing municipal authorities are efficient.

11.—(*a*) That far from economy ensuing from the creation of a gigantic central body, it is certain—witness other large municipalities both at home and abroad—that gross extravagance and probably jobbery would ensue; and the ratepayers would have no real control over the expenditure.

(*b*) That by diminishing or preventing competition and rivalry dull uniformity would ensue, and improvements and economies would be hindered.

12.—(*a*) That one central body would necessitate a uniform rate over the whole of the Metropolis, while the different parts of London would not benefit equally. Such a rate would be unfair on those who now pay a light rate, and unjustly advantageous to those now assessed at a heavy one.

(*b*) That for the sake of simplicity and convenience, it would probably be necessary to make compulsory a fixed payment by all for gas, water, &c., and this would be unfair on some.

13. That the Central Body would become so powerful as to acquire an undesirable influence in the State; being chiefly elected by the poorer classes of the ratepayers, it would become revolutionary; and being at the door of St. Stephens, it might endeavour by physical force to impose its will on Parliament.

14.—(*a*). That to extend the Corporation of the City over the rest of London would not be to enlarge but practically to extinguish that body.

(*b*).—That it would be a gross infringement of the rights and privileges of the City—and as regards its funds, pure confiscation—to absorb the Corporation of the City in the rest of London.

(*c*) That the Corporation of the City of London devotes portions of its revenues—which, as levied in the City, should be expended in the City and not elsewhere,—to

useful public conveniences and works. It would be impossible for a central body to apply large sums to such purposes.

15.—(By many.)—That a considerable reform is needful, but it should be in the direction of the creation of several municipalities—one for each Parliamentary borough.* Each of these bodies would have as much work to do as the municipal council of the largest provincial town; and while their institution would avoid the evils and difficulties consequent on the creation of one central body, it would ensure all the advantages of real self-government in each locality.

* See note, p. 89.

# RURAL LOCAL SELF-GOVERNMENT.

The term "rural districts" is applied to every part of the country not comprised in "Boroughs," "Improvement Act," and "Local Government" Districts; and includes nearly every village.

The ordinary rural authorities may be divided into those which exercise jurisdiction in the "county," the "union," and the "parish."*

The authorities who together possess the government of the county area,—and who are appointed by various methods, upon various tenures, and for various terms,—are as follows:—

(i.) At the head of "*County*" affairs are the Lord Lieutenant and the High Sheriff, who are appointed and can be removed by the Crown.

The management of "County" affairs is chiefly vested in the county magistrates, appointed by the Lord-Lieutenant, who meet and transact their business at Quarter Sessions.

Their criminal jurisdiction (which extends to most offences) is exercised in Quarter and Petty Sessions. For the latter, and for other purposes, the county is divided into petty sessional divisions.

* I am much indebted for the following particulars to—amongst other authorities—Mr. George Brodrick's Essay on "Local Self-Government," republished in his "Political Studies."

The description given above of the existing Rural Local Self-Government by no means fully represents the confusion of areas, duties, rating, election, &c., which really exists.

They have the supervision of the county gaols, the county police, and county lunatic asylums,—subject however to the Home Office.

They regulate county finance and taxation—subject to the Local Government Board.

They have the power of granting, renewing, or refusing licences to public-houses, &c.

They may prohibit the movement of cattle during the prevalence of cattle plague.

They, in conjunction with certain others,—resident magistrates and waywardens elected by the parishes,—form "Highway Districts," and settle questions connected with roads, bridges, canals, &c.

In addition there are the Local Income-Tax Assessors.

(ii.) The "*Union*" authority is the Board of Guardians. A Union can be constituted or dissolved at the pleasure of the Local Government Board, which may also lay down stringent rules for the regulation of relief, &c. It consists of ex-officio members, namely, the county magistrates residing in the Union, and elective members chosen by the ratepayers.

The business consists of the general supervision of workhouses, the regulation of outdoor relief, and the education of pauper children; in some instances, as school attendance committees, the care of elementary education; the carrying out of the Vaccination Acts; and the assessment or valuation of property for purposes of rating. The Board is also the sanitary authority in its rural sanitary district, which comprises the whole area not under urban authorities or Local Government Acts.

(iii.) The "*Parish*" authorities are the Vestry, and the Overseers appointed by the Vestry, who represent the parish; and, where one has been appointed, the School Board, elected by the ratepayers, and charged with the education of

the children of the class attending elementary schools—subject to the supervision of the Education Department.

In rural districts, therefore, the areas are divided into the County, the Union, the Parish, the Petty Sessional Divisions, the Highway District, and the Rural Sanitary District; and these areas may overlap, coincide with, or include one another.

The authorities who have jurisdiction in these various areas consist of the Crown, the Lord Chancellor, the Home Office, the Local Government Board, the Education Department, the Lord-Lieutenant, the High Sheriff, the County Magistrates, the Board of Guardians, the School Board, the Highway Board, the Vestry, and the Assessors of Income-Tax.

Their duties consist in keeping the records; supervising parliamentary elections; magisterial duties; supervision of county gaols, police, and lunatic asylums; county, union, and parish finance, taxation and valuation of property for rating; licensing public-houses, &c.; regulating movements of cattle; supervising bridges, roads, highways, &c.; managing workhouses and outdoor relief; sanitary matters, vaccination, and public health; all matters connected with elementary education; registration of voters, juries, births, &c. Many of their duties clash or coincide with those of the urban magistrates and town councils.

The modes of rating, moreover, differ considerably, while the exemptions and exceptions are numerous.

A large number of Bills dealing with the question of Rural Local Self-Government have from time to time been introduced into the House, but no comprehensive scheme has as yet found acceptance. The two latest and most important (but unsuccessful) attempts to deal with the question were, first the Bill of 1871, introduced by Mr. Goschen,

which was chiefly financial, and which proposed the consolidation of rates and the institution of Parochial Boards. The Chairmen of the Boards, who were required to have a £40 qualification, were to elect from amongst themselves a certain number of representatives for each petty sessional division. The magistrates in Quarter Sessions were to elect from amongst themselves a number of members equal to the total number of parochial representatives. Secondly, the Bill of 1878 introduced by Mr. Sclater-Booth, which also adopted the petty sessional divisions, whilst it gave to each division two quarter-session-elected magistrates and two members, qualified to be guardians, to be elected by the guardians of each petty sessional division.

The objection raised against these and former proposals was, that they did not sufficiently simplify areas, authorities, and duties, while Mr. Sclater-Booth's Bill would have actually increased the confusion of Local administration.

It is proposed to concede to rural districts larger powers of Self-Government,* on the grounds : †—

1.—(*a*) That centralisation of the Executive is deadening and demoralising ; in that it stamps out initiative, originality, and progress, and tends towards a dull uniformity of system.

(*b*) That a locality will do better and more economically for itself that which is required than any central body.

2.—That the nation is now sufficiently advanced to be allowed full local self-government.

* The various schemes of reform already promulgated, are so numerous and so conflicting, that it is not possible adequately to discuss them here, and the arguments are confined to the general principle of a large extension of local self-government.

† Compare also the section on the Municipal Government of London, p. 81.

3.—(*a*) That a highly civilised country is continually requiring more not less government. New rights and new duties spring up; and these more and more tend to outstrip the powers of supervision of the central body.

(*b*) And yet the feebleness of the existing local bodies tends more and more to force the Imperial executive to take upon itself powers, duties, and supervision which would be better left to local bodies to perform, *i.e.*, hours of labour, working of mines, special sanitary matters, gas, water, railways, commons, licensing system, &c.

(*c*) That, again, the non-existence of responsible local bodies renders necessary the questioning of Ministers, and the printing by Parliament of long, elaborate, and useless reports on local squabbles and minutiæ, which would be better referred to and dealt with by local bodies.

(*d*) While a vast number of local matters, which could be much better decided locally, have to be remitted to Parliament for judgment.

(*e*) And so, to the detriment of the public service, the valuable time of Parliament is seriously and unnecessarily consumed, while the decisions arrived at are necessarily often superficial, arbitrary, and ignorant; and the time and expense (sometimes enormous) involved in appealing to Parliament is a serious injury to the localities themselves; and enterprise and improvement are greatly discouraged.

4.—That the powers and duties which properly belong to village communities are either extinct, or in the hands of non-elective persons or of the Imperial executive; nine-tenths of the rural population have no direct voice in the management of their own local affairs, and therefore no interest in them.

5.—That the existing boundaries, divisions, and districts are complicated and anomalous, the rating, duties, powers, and mode of election of the different local bodies, or

individuals, greatly and confusedly vary, and defy analysis and generalization.

6.—That in consequence of the confusion of areas and authorities the burdens of local taxation are unequally borne; while the ratepayers are ignorant of, and have little or no check over their public indebtedness and expenditure, and are unaware whether the calls made on them are just and right.

7.—(*a*) That a consolidation of various bodies, and a simplification of areas and duties, would effect a great saving in trouble and expense, and an increase in efficiency.

(*b*) That the larger, more powerful, and responsible the local governing body, the less facility would there be for jobbery or waste.

(*c*) That the larger and more powerful the bodies the greater responsibility and interest would they possess, and the greater would be the attraction to a higher class of men to offer their services. At present the powers and duties of local bodies are so small and hedged about that such men are in no way attracted.

(*d*) That the publicity arising from direct representation would tend to economy, efficiency, and honesty.

8.—That the concession of local self-government, and the necessity of voting for representatives and the consequent interest the electors would take in the work of the Boards, &c., would have an educating effect on the people, further fitting them to receive and to exercise the franchise.

9.—(*a*) That the question of the mode of election of the local body is not one involving or affecting the principle of local self-government, and therefore the difficulties in the way of attaining a perfect representation cannot be justly urged against the acceptance of the principle.

(*b*) That, moreover, the difficulties in the way of obtaining proper representation of class and interest are not really great; if the local bodies were not to be composed entirely

of elective members, there would be little difficulty in fairly adjusting the respective numbers of elective and non-elective members, so that each class and interest should be fairly represented; and if all the members were representative of the electors they would work harmoniously and fairly enough together.

(*c*) That however much, for the moment, the immediate interest of owner and occupier may differ, their ultimate aim is identical; both are interested in the economy and efficiency with which the rates are administered; it is unlikely, therefore, that in the working of the local bodies serious difficulties and disputes would arise between different classes and interests.

10.—That property other than land has increased in value to a great extent of late in the rural districts, while its local representation has not been increased; this inequality is unjust, and needs alteration.

11.—(*a*) That the questions of the incidence of local taxation, and of the fair and equal assessment of different descriptions of property, are likewise matters independent of the principle of the reform of local government.

(*b*) That no one has a right to assume that his rates will always remain the same; there would be no unfairness, therefore, in levying a uniform rate over a large area,—where before the rates varied considerably—more especially if there were a proper discrimination between general and special rates. Moreover, the economy introduced by a central body would reduce the average amount of the rates.

12.—That any tendency towards undue parsimony or extravagance on the part of the poorer electors would be counteracted by the legitimate influence of the larger owners and occupiers in the election and policy of the Board.

13.—That executive work would not suffer from the establishment of central County Boards for all purposes; details and special work would be referred to Committees, as is now the case on all large Boards.

On the other hand it is asserted that difficulties, and perhaps dangers, would arise if any attempt were made to introduce a large measure of reform in the matter of Local Self-Government, on the grounds—

1.—That it would be well-nigh impossible fairly to apportion the representation amongst the different classes interested.

2.—That the interests of the different classes who would be represented would be antagonistic the one to the other; and it is probable the minority would not receive fair treatment.

3.—(*a*) (By some.) That, as in proportion to their available income, the poorer and less experienced ratepayers feel more keenly the incidence of the rates, they would very probably elect men pledged to injurious economy; and being the majority, would obtain their way, and local improvements or necessary work would suffer.

(*b*) (By others.) That the tendency of the poorer ratepayers would be to vote for extravagant expenditure, the cost of which they would know would have to be met by the rich.

4.—That the larger the body the more certain it is that party politics would govern the elections and the conduct of the Board; the importation of party politics into local affairs is to be deprecated.

5.—That though, no doubt, the machinery is complicated, it acts fairly well, and a re-arrangement of its works might lead to disastrous results.

6.—(*a*) That so little interest is taken in local affairs, that it would be eminently difficult to obtain the services of efficient men even for these larger bodies; the work would consequently fall into the hands of those who might use their increased powers for purposes of jobbery and extravagance.

(*b*) That landowners, &c., would not be attracted to the Boards, for they would obtain no greater influence by joining the Boards than they possess at present, while they would have to undergo the trouble and expense of an election.

7.—(*a*) That the expense, time, and trouble involved in attending meetings at far distant centres would deter men from joining the Boards.

(*b*) That the Boards would be so large that the proper conduct of business would be difficult.

8.—That the difficulty of assessing different kinds of property equally and fairly for local taxation is very great, and ought to be settled by Parliament before any extension of local self-government be granted.

9.—That land has been bought and sold under the idea that the rates would remain much the same in a given district; if one uniform rate were levied over a large area—where before the rates had varied—some ratepayers would unfairly benefit at the expense of others.

10.—That the demand for County Boards has been met during the last fifteen years by the creation of assessment committees, sanitary authorities, school attendance committees, &c., all of them composed of elected guardians in fixed proportions; and these bodies, though working satisfactorily, would have to be dissolved, if place is to be found for any new general Board.

. . . . .

It seems to be generally conceded, however, that

something should be done; while there is great difference of opinion on the question of the best way of granting more local self-government. Opinions differ in deciding whether the parish, union, county, or electoral district should be the unit; how the existing chaos of authorities is to be brought into order; whether the duties of local self-government in a given area should be entrusted to a single representative body or to many; how far this body, or these bodies, should be representative; how far their areas of authority should overlap or coincide; what duties should be accorded them; how the rating should be arranged; and how the different descriptions of property should be assessed for local taxation.*

* See Section on Local Taxation, page 129.

# LAND LAWS.

From the "New Domesday Book" published in 1874, it appears that there were at that time in the United Kingdom (including duplicate entries, which are very numerous, holders of glebe, charities, and corporations), 301,000 holders of land of above one acre, to a population of about 33,000,000. The number of holders of ten acres and upwards amounted to 180,000.* The total acreage of the United Kingdom amounts to 77,700,000 acres, of which about 30,000,000 are waste and mountain pasture, and 47,700,000 under crops, pasture, or covered with woods and forests. Of the total acreage, 955 persons own together nearly 30,000,000 acres. In the next rank of landowners about 4,000 persons average 5,000 acres each; 10,000 persons own between 500 and 2,000 acres; 50,000 persons own between 50 and 500 acres, and about 130,000 own between one acre and 50 acres. †

The land is very differently distributed in England and Wales, Scotland, and Ireland. In the former about 4,500 persons own half the soil, in Scotland but 70, and in Ireland the half is owned by 744 persons. ‡

The greater part of the land in the United Kingdom is cultivated by tenant farmers. They number 560,000 in

* Mr. Shaw Lefevre ("Freedom of Land") estimates that, after due deductions are made for duplicates, holders of glebes, corporations, and charities, and owners merely of houses as distinguished from owners of land, the landowners number only 200,000 in all, of whom about 166,000 are in England, 21,000 in Ireland, and 8,000 in Scotland.

† Lefevre, "Freedom of Land," p. 11.

‡ Kaye, "Free Trade in Land," p. 17.

England, and about 500,000 in Ireland, in all 1,060,000. Excluding mountains, waste, and water, the cultivated land is held by them at an average of 56 acres in England, and 26 in Ireland. Seventy per cent. of the tenant farmers occupy farms under 50 acres (chiefly in Ireland); 12 per cent. between 50 and 100 acres; 18 per cent. of more than 100 acres; 5,000 occupy farms of between 500 and 1,000 acres, and 600 occupy farms exceeding 1,000 acres.*

The extent of land under various crops in 1883 was, wheat 2,713,000 acres, barley 2,486,000, oats 4,370,000, other green crops (including potatoes) 5,460,000, grass under rotation 6,371,000, permanent pasture 25,300,000, woods, plantations, 2,500,000 and other crops 971,000. The value of home crops and animal produce, in 1883, compared to foreign imports of food, was as follows:—†

| | Home Growth. | Foreign, 1882. |
|---|---|---|
| Value of corn and vegetable produce ... | £105,750,000 | £69,748,000 |
| Value of animal produce ... ... | 135,000,000 | 68,645,000 |
| Total ... ... | £240,750,000 | £138,393,000 |

The number of agricultural labourers and shepherds in England and Wales amounts to about 800,000.

## LAND.

The questions connected with Land divide themselves into two classes. One class of reforms are advocated chiefly on the ground that the transfer and sale of land should be as far as possible facilitated;

* Caird, "The Landed Interest," p. 58.

† From figures kindly furnished me by Sir James Caird. In the first edition the figures quoted were for 1877, (see "The Landed Interest.") when the Home Growth amounted to £260,740,000, and the Foreign Imports to £110,700,000.

and with this intent it is proposed to abolish or amend—1. The Intestacy laws. 2. The law of Entail; and 3. To introduce an efficient system of Registration of Titles to land.

The other class of reforms are chiefly advocated on the ground that, if adopted, more capital would be attracted to the soil, to the increase of production, and to the enrichment of the country; and with this intent it is proposed—4. To abolish the law of Distress. 5. To give security for Tenant's Capital invested in the soil. 6. To extend the Notice to Quit. 7. To amend the laws relating to Local Taxation; and 8. To amend or abolish the Game Laws.*

## LAW OF INTESTACY.

By the Law of Intestacy, or Primogeniture, all the real property (that is, the landed property) of the deceased who has neglected to make a will, goes to his heir-at-law, while all his personal property (that is, property other than land) is divided equally among his children (after making due provision for the widow), or failing these, among the nearest of kin.

The abolition of this law, and the assimilation of

* It seemed preferable to leave this section as it stood in the first edition (June, 1880), though since then something in the way of reform has been accomplished as regards Nos. 2 and 4, and much as regards Nos. 5 and 8.

real to personal property in case of intestacy, is upheld on the grounds :—

1.—That now-a-days real and personal property are practically similar things under different names, and are equally secure ; and as there is now no need for a "head of the family," the distinction drawn between them is merely a relic of feudalism, and out of keeping with the ideas of the age.

2.—(*a*) That the custom of primogeniture revolts the sense of equity, and ought not to receive any countenance from the law.

(*b*) And further, that the law should never be allowed to favour the one, as against the many.

3.—That it is the duty of a man to make a will ; and, if he neglects this, the State should step in and administer with justice and equality to those of equal kindred ; and not punish the younger children for the neglect of the parent.

4.—That however convenient this custom or law may have been, or may still be, with regard to rich landowners or ancient families, it works mischievously and unfairly in the case of small holders of land, and in cases where the whole property of the deceased consisted of land.

5.—That though the law does not often come into force (since most men with anything to leave, make wills), yet it sanctions the principle, and has led to the custom, of an unequal division of property, to the institution of "eldest sons," and towards "entail"—and these are evils.

6.—That the abolition of the law would cause no revolution, but only effect a personal change of feeling opposed to entail and primogeniture, and in favour of the subdivision of property among the children.

7.—That the repeal of the law would therefore tend to break up the land ; that the more the land is broken up into small estates or plots, the better for the Body Politic,

the present accumulation of land in a few hands constituting a grave political danger.

8.—That this law helps to maintain the aristocratic system of society in England; and that to abolish it would be a democratic step.

Alterations in the law are opposed upon the grounds:—

1.—That social and material inequality has its advantages.

2.—That our social system has been built up on the principle of primogeniture; and would be greatly shaken by any attempt to discredit or alter it.

3.—That the whole question is a very unimportant one; the vast majority of landowners leave wills, and he who does not desire his eldest son to inherit all the real property, has but to make a will.

4.—(*a*) That the bent which the law gives towards the institution of "eldest sons" and to "entail" is advantageous to the country.

(*b*) That the law ought to follow the prevailing custom, and it is the prevailing custom with landowners to leave their land to the eldest son.

5.—That any law which has a tendency to prevent the subdivision of land has advantages, and should be retained.

6.—That this law helps to maintain the aristocratic system of society in England; to abolish it would be a democratic step, and would tend towards the abolition of entail.

7.—That though it may occasionally lead to hardship, it propagates none of the evils of entail, for the heir succeeding under this law is absolute owner of the land and may sell it, or it can be seized for his debts.

8.—(*a*) That ill feeling would often be engendered over the division of the land.

(*b*) That a forced sale, at a particular moment, would lower the market-value of the land.

9.—(*a*) That real and personal property are altogether dissimilar; the latter can without any difficulty be divided into portions, while the former cannot be distributed without considerable inconvenience; there is therefore no anomaly in dealing with them on a different principle.

(*b*) That personal property is so indefinite a thing that, though distributed, it could be re-accumulated; whereas an estate, once broken up and divided, cannot be resumed under the same conditions as before.

(*c*) That personal does not appeal to the sentiments in the same way as real property; and, while the co-heirs would naturally object to the absorption of the former by one person, they would usually be in favour of the non-division of the latter; yet, if the law were changed, they could not prevent sub-division.

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## ENTAIL.

By the laws which, until 1882, regulated Entails,* a land-owner could so tie up his land by settlement that (if a sale were expressly negatived, and in any case without the consent of the trustees and others interested) it could not be sold, or seized, or lessened in size, for a period comprising the life-time of any number of persons actually in existence, and until the yet unborn child of one of these attained the age

* Strictly speaking, there are no "Laws of Entail" in the very early or feudal sense of the word, *i.e.*, perpetual descent of land in one family. The descent of land is regulated by a custom, prevalent among land-owning families, and favoured by the law, and sufficiently universal to produce in practice results almost equivalent to those which would be produced by entail properly so called.

of twenty-one. None of the persons on whom the land was entailed, with the exception of the last, could sell the land or mortgage it beyond his life without the consent of all the other persons interested in the entail.

These restrictions have now been considerably relaxed by Lord Cairns' Settled Land Act of 1882, mentioned below; this, however, did not affect the other laws of entail, which prevent the tenant-in-tail (the last named in the settlement), even on attaining the age of twenty-one, from breaking the settlement without the consent of the "protector of the settlement" (*i.e.*, usually the existing tenant-for-life); and which provide that each of those on whom the land is entailed must carry out all the regulations and bear all the charges imposed on the estate by the will.

"The Settled Land Act" of 1882, referred to above, provides that:—A tenant-for-life may (1) sell, exchange, or partition some or all of his settled land; or (2) may lease it, with or without reservations, for a term of years; for building purposes, granting a ninety-nine years' lease; for mining a sixty years' lease; and for any other purpose a twenty-one years' lease; while, with the consent of the court, and subject to certain conditions, longer leases, even in perpetuity, can be granted. The capital money received from the sale, exchange, &c., is to be paid over to the court or to the trustees, and by them applied, according to the direction of the tenant-for-life to, (1) Investment in Government securities, or other securities allowed under the settlement; (2) To the redemption of incumbrances on the land; (3) To payment for improvements under the direction of the trustees; "improvements" including such works as drainage of all sorts, fencing, reclamation, road-making, and the building of cottages and farmhouses, &c., the making of railways or tramways, practically any "permanent" improvement; the improvements when made,

have, however, to be maintained or insured by the tenant-for-life; (4) To the purchase in England of freehold or leasehold property (if sixty years unexpired). All such investments to devolve in the same way as the land would have done if untouched.

If money is required for "enfranchisement," or for "equality of exchange or partition," it can be raised on mortgage of the settled land. Personal chattels devolving with land can be dealt with in the same way. The mansion or park cannot, however, be sold, except with the full consent of the trustees or by order of the court. The "Court" is the High Court of Chancery.

The abolition of the "Law of Entail"—or more strictly speaking of the power of settlement—is proposed on the grounds:—

1.—(*a*) That the law is the main prop of the aristocratic system of society which prevails in England; and that its abolition would be a democratic step.

(*b*) That its abolition would broaden the foundations on which law and order rest, by leading to the possession by a larger number of persons of a real stake in the country; that its abolition would therefore be a Conservative step.

2.—(*a*) That the law artificially fosters one class, and that the protection of any class by the State from the consequences of its own folly or ill luck, is unfair to the community, unsound in principle, and mischievous in practice.

(*b*) And that this artificial protection of the aristocracy really injures those whom it was meant to cherish, for by securing profligates from the natural consequences of their misconduct, it fosters profligacy, and damages both the character and the fortunes of the aristocracy.

3.—That if the ruined part of the aristocracy were

allowed to perish off the land, and their places were taken by new men, it would lead to a greater mingling of the higher and middle classes—to their good and to that of the nation.

4.—That the law maintains in influential positions men unworthy to be in those positions.

5.—That the law lessens due parental control by making the eldest son independent of his father; that it leads to disputes between father and son; while it induces careless landowners to be more careless than they otherwise would be about the education of their children.

6.—That it causes the ruin of many eldest sons by allowing them to live in indolence; and by securing to them their succession, tempts them to anticipate and squander it; and the ruin of many younger sons by reducing them to penury.

7.—(*a*) That the accumulation of land in a few hands is a grave political danger; while it leads to the evils of absenteeism.

(*b*) That in consequence of the existence of entail, though the wealth of the country is increasing, land is passing into fewer hands.

(*c*) That whereas land ought to be greatly broken up, the law tends to keep it in a few hands; for it prevents estates being sold which would otherwise naturally, or in consequence of insolvency, come into the market, and thus artificially raises the price of land; renders necessary long and costly deeds and wills; and by thus throwing difficulty and expense in the way of ascertaining the state of the title, adds greatly to the cost of the purchase of land, more especially in the case of small plots.

(*d*) That the abolition of entail would tend to the sale of portions of an estate to provide jointures and provisions for the younger children, instead of these being charged on the estate.

(*e*) That the law offends against the canon of "free

trade in land," viz., that neither should artificial restrictions on the sale of land and the breaking up of large estates be retained, nor should there be artificial fostering of small estates.

8.—(*a*) That the law causes the soil to be far worse dealt with than it would be if it were all in the hands of absolute owners; for it deprives the landowner of any but a life interest in his estate, and thus greatly diminishes his care for the land; it deprives him of the means of improving the estate, inasmuch as he receives only the income, and may not sell part to improve the rest (at all events, without very great trouble), and may not raise money on mortgage, except for his own life, or for a limited number of years; in most cases he has to save what he can for the younger children, instead of investing his surplus in improving the land, while he is obliged to charge the land with annuities and jointures; and the restrictions and covenants inserted in the settlement often prevent him from agreeing to the best terms for himself and the tenant, thereby retarding the progress of agricultural improvements.

(*b*) That entailed land cannot be said to be really *owned* by anyone, but is a joint ownership of several persons; the interests of the different co-partners being, moreover, often antagonistic.

(*c*) That if it be true—which is denied—that rents are, as a rule, lower on entailed than on unentailed properties, it is a proof that the land has been less judiciously farmed or improved.

9.—(*a*) That strict settlements, by suggesting re-settlement, tend to perpetual entail.

(*b*) That if entail and settlement were abolished, the feeling in favour of "tying up" land would gradually tend to disappear.

10.—That the abolition of the law would not injure any

single individual in particular; while it would benefit the general community.

11.—That England alone retains these laws; all other civilised countries have greatly modified or entirely abolished them.

[Some consider that the advantages or disadvantages likely to follow from the abolition of entail and settlements are problematical, but are in favour of sweeping away any class privileges or restrictions which can be shown to exist.]

See also INTESTACY.

On the other hand, the "Law of Entail" is upheld on the grounds:—

1.—That there is something "sacred" about the ownership of land which must not be interfered with.

2.—That it is of great importance to the country to preserve the ancient aristocracy intact; an ancient aristocracy exercises a good influence on the character of a nation, and should, therefore, be indirectly protected by law.

3.—(*a*) That the abolition of entail, by causing the absolute momentary ruin of many peers, would necessitate alterations in the constitution of the House of Lords, and the disadvantages and dangers of such a step would outweigh any advantages to be derived from the abolition of entail.

(*b*) That any tampering with the present system of society, as founded on the aristocratic and feudal principles, would be little less than a revolution.

4.—(*a*) That the land is better cultivated in large masses than if broken up among many small owners.

(*b*) That the abolition of entail would tend to the purchase of estates by commercial men, and men with no knowledge or appreciation of the responsibilities and duties of property.

(*c*) That estates are better cared for and improved under the existing law than would be the case if it were abolished, for landowners cannot now mortgage heavily or squander their capital as if it were income; while, except in an infinitely small number of cases, the interests of the tenant-for-life and his successor are similar to those of the public.

(*d*) That tenants-for-life and trustees do now possess very considerable powers of dealing with the land.

(*e*) That the abolition of entail would cause the destruction of many noble parks and mansions, the existence of which adds to the pleasure and refinement of all classes.

5.—That the abolition of entail would only accelerate the accumulation of land in a few hands, for its action chiefly helps to preserve the smaller properties; the tendency of the land market being towards a diminution in the number of separate estates.

6.—That the heir may fitly claim the aid of the law in guarding him from the destruction of the property he ought to inherit. He may fairly ask that his predecessor should be only allowed to ruin himself, but not to ruin his successor as well.

7.—(*a*) That the younger sons partake in the benefit which this system confers on their (the aristocratic) class, and share the lustre of the family position; while their best energies are called forth by the necessity of carving out their own fortunes, and it is largely such men who have given us India, and colonized the world.

(*b*) That at the same time the responsibilities cast upon the eldest son call out his best energies; while in most cases he has been properly educated for the duties of his position.

8.—That land is no more unequally divided than other descriptions of property; the unequal distribution is the result of wealth, not of the land laws.

9.—(*a*) That personal property can be entailed (by

placing it in trust, &c.), and the abolition of the power of settlement would be placing real at a disadvantage to personal property.

(*b*) That the abolition of the law of settlement would amount to placing restrictions on freedom of settlement.

(*c*) That such restrictions would render land a less eligible investment than at present; and the objects aimed at would thus be defeated.

(*d*) That, if entail were abolished, the power to grant annuities and charges on estates to the widows and younger children would be greatly curtailed, and the security for payment would be diminished.

10.—That those who desired to tie up their land would easily find means to evade the law.

11.—The idea prevails in the minds of many farmers that rents are often lower, and that tenure is more secure, on entailed, than on unentailed estates.

See also the section on INTESTACY.

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## REGISTRATION OF TITLES TO LAND.

Various attempts have been made to introduce a complete system of registration of Titles to Land, but as yet without success. In 1862 Lord Westbury brought in the "Transfer of Land Act, 1862," which, however, was so far from a success, that only five years afterwards Lord Westbury himself was called upon to preside over a Royal Commission to enquire into the causes of the failure of the Act; which failure was chiefly due to the fact that the scheme in no way provided for the simple register of title, but on the contrary encouraged complication. In 1873 Lord Selborne introduced a Bill, founded on the recommendations of the Royal Commission,

which provided for the gradual registration of all titles. Lord Cairns re-introduced the Bill in 1874, exempting from its operation all land under the value of £300. Again, in 1875 the Bill reappeared, this time in a purely permissive form, as the "Land Transfer Act, 1875," and was passed—but has been a dead letter. In 1878 a Select Committee was appointed to enquire into the subject, and it has lately reported, recommending:—completion of the ordnance survey of England; payment to solicitors by results and not by verbiage; vesting of the freeholds in some one ascertained person; substitution of simple charges on land defeasible in case of repayment, for the complicated machinery of mortgages and reconveyances; reduction of the time necessary for obtaining a "title"; establishment of convenient registers, properly indexed, and containing a clear *résumé* of past transactions.

It is proposed to establish Land Registry offices, where a public record of all transactions affecting the land should be registered, and information concerning them obtained for a small *ad valorem* fee.

By some it is proposed that the titles to land only should be registered, and that for every property one name should be registered as that of the legal proprietor, with absolute power of transfer. All titles, "absolute," or "qualified," as well as those depending on possession, would be registered.

Priority of registration would give priority of mortgage, claim, or title. The object of the registration of title would be to dispense with the necessity in future transactions of tracing the history of past transactions.

By others it is proposed to register, not the title, but all deeds connected with the land.

Registration, whether of Title, or Deeds, or both, is supported on the grounds :—

1.—That it would greatly facilitate the sale and purchase of land.

2.—That it would tend to the subdivision of land, and the formation of small properties; for at present the cost of conveying small plots, irrespective of the price of the land, is often so great as to be prohibitive.

3.—That it would lessen the trouble and expense, and so facilitate the mortgaging of land.

4.—(*a*) That much litigation on the question of titles, deeds, and claims to land, &c., would be avoided; for registration would make titles, &c., much more secure.

(*b*) That the fraud at present occasionally perpetrated in titles and mortgage deeds would be impossible, and the fear of fraud would cease.

5.—That the landowners would profit by registration; the element of uncertainty of the cost of search being eliminated, registered land would fetch two or three years' purchase more than unregistered.

6.—That dealings in land are daily becoming more complicated, the sooner they are simplified by registration the better.

7.—That the registration of deeds in Scotland and Ireland, and of titles in Australia, has been a success.

The registration of Titles alone is upheld on the ground :—

8.—That while it aims at presenting the intending purchaser or mortgagee with the net results of former dealings

with the property, the registration of deeds merely places the dealings themselves before him, but leaves him to investigate them for himself.

The registration of Deeds alone is upheld on the grounds :—

9.—That the search of the register would be made by an official conversant with the subject, who would deliver a "certificate of search," showing the results of his investigations, and the certificate would, for future transactions, be accepted as an abstract of the state of the title up to date, and thus the purchaser or mortgagee would be relieved from the necessity of a search anterior to that date.

10.—That the process of copying the deeds on the official register would be purely clerical work, and would create no difficulty or delay.

11.—That the fear of malevolent curiosity is unfounded; in the case of the Probate Court, the Middlesex, Scotch, and Irish Registers, no complaints have been made on this score, though any one, for a small fee, may search those records.

The proposals to register the Title, the Deeds, or both, are opposed on the grounds :—

1.—(*a*) That they are impracticable; and that all the schemes already put into operation have completely failed in their object.

2.—(*a*) That the title and deeds would still have to be "searched" at the Registry Office.

(*b*) And that the registered title and deeds would not satisfy a purchaser or mortgagee, and outside "searching" would be continued.

3.—That mistakes on the part of the "searcher" might

lead the State into complications with reference to titles, &c., which would be inexpedient.

4.—Some, who are in favour of registration, consider that to legislate for the registration of titles and deeds, without, as a preliminary step, simplifying the titles to be registered, is to begin at the wrong end.

The proposal to register Titles alone, is further opposed on the grounds:—

5.—That if an owner were created for the purposes of registration, the remaining interests would become the subject of a second record of title outside the register; and searching would be as troublesome and expensive as ever.

The proposal to register the Deeds is further opposed on the grounds:—

6.—(*a*) That the "searching" would be just as tedious and expensive at the Registry Office as it is at present outside.

(*b*) That the copying of deeds on an official register would be productive of much delay and expense.

7.—(*a*) That it would be unjust to expect landowners to expose to public view all their land debts, mortgages, and settlements.

(*b*) And that it would be equally unjust to expect them publicly to notify the fact when they wished to charge their estates with any burden; while in the case of landowners employed in business, the knowledge that they were endeavouring to raise money might greatly injure their commercial credit.

## COMPULSORY REGISTRATION.

It is proposed by some that whatever may be the system of registration adopted, all landowners should be compelled to register their land at once; others consider that the owner of land should not be compelled to register (though he might do so voluntarily), except at the moment of first selling or mortgaging his land after the passing of the Act.

Compulsory registration is upheld on the grounds:—

1.—That unless registration be made compulsory, it will be delusive; that it is the permissive character of the different schemes already put into force that has caused their failure. For unless compelled, few care to embark in an experiment, the success of which is not assured, and in which there is no guarantee that their neighbours will also embark. It is against the interest of the solicitors to advise their clients to register. Expense is involved at the time of registration, while the advantages to be derived from its adoption are prospective only. Some fear that a flaw in their title may be exposed, if they have to prove it, or dread the difficulties of identifying parcels of land. Some shrink from exposing their indebtedness, and the charges on their land.

On the other hand, compulsory registration is deprecated, on the grounds which are given above, as the reasons why the permissive schemes have failed.

## DISTRESS.

Before 1883, by the law of Distress, the landlord had a first claim on the estate of the farmer for arrears of rent, which had to be satisfied in full before the other creditors could receive a penny. And further, in liquidation of his own debt, he might seize any live or dead stock which might be on the land, even including that which was known to belong to persons other than the debtor. He might allow arrears of rent to run for six years, and at any time during that period he might enter and sell what he found on the land; he was therefore at liberty to take advantage of any moment when stock or goods belonging to others might have been placed on the farm.

By the Agricultural Holdings Act (England) of 1883, the right of distraining for rent is limited to one year; while any live-stock and agricultural or other machinery which may be on the land of the tenant, but *bonâ fide* the property of someone else, is now practically exempted from seizure.

It is proposed to abolish the law of Distress, and to put the landlord on the same footing as other creditors, on the grounds :—

1.—That the present law is a gross infringement of the principle of freedom of contract. It not only interferes with the freedom of contract between landlord and tenant, but also with that between the tenant and other persons.

2.—That the law is a relic of feudalism, and inconsistent with the present relations between landlord and tenant, as also between them and outside traders.

3.—That it places the tenant completely at the mercy of the landlord; the latter can issue execution before making any application to the Court.

4.—(*a*) That it is an unfair monetary privilege possessed by one class at the expense of others. Money transactions connected with the cultivation of land should be put on the same footing as other commercial transactions.

(*b*) That the law is manifestly unfair on other creditors by giving a preference to one.

(*c*) That the law encourages the landlord to allow his tenants indulgences at the expense of others, and not at his own risk; and this without the other creditors having a voice in the matter.

(*d*) That even without the law, the landlord would still be in a better position than other creditors to assert his claim, and to proceed at once, if the tenant were in arrears with the rent; for at the worst, he would but lose his rent, and could always recover the principal of his loan—the land—while other creditors would still be liable to lose all their advances.

5.—(*a*) That though landlords do not often take advantage of the power they possess of distraining, the knowledge of the existence of the law operates adversely to prosperity and production.

(*b*) For it increases the expenses of the farmer and the cost of production, in that it greatly lowers his credit, both by giving the landlord a preferential claim, and by making it difficult for other creditors to ascertain whether, or how far, the rent is in arrears.

(*c*) That it allows men without capital and "men of straw" to be accepted as tenants, whom the landlord could

not afford to accept unless this law were in force; and by the undue competition of these men, rents are forced up, while better farmers, and men of capital, are often shouldered out, and production suffers.

(*d*) That it discourages the application of the tenant's capital to the soil.

6.—That therefore the consumer suffers from the law.

7.—That the landlords would gain by the abolition of the law; for as they would be obliged to take more trouble in ascertaining the solvency and capability of their tenants, they would, in many cases, obtain better men; the production, and consequently the rent of the land, would be increased.

8.—That the practice of allowing rent to fall into arrears is a bad one, and would be diminished if the law were abolished.

On the other hand it is contended:—

1.—That the present law is a right, and cannot be fairly abolished without compensation; that its abolition would unfairly advantage other existing creditors at the expense of the landowner.

2.—That practically the law is only put into force in the case of bad tenants; a landowner is more likely to be lenient than any other creditor.

3.—(*a*) That the abolition of the law would tend to diminish the amount of capital invested by landlords in the soil; while it would also discourage the tenant from sinking his capital in the land.

(*b*) That if the law were abolished, the landlords (for their own security) would have to demand payment of the rent in advance, and thus a large amount of capital would be withdrawn from the cultivation of the soil; on the other hand, as rent is the surplus profit resulting from the

farmer's outlay and attention, it would not be found possible to demand this profit before it were obtained.

(*c*) And that consequently the landlord would have to lend his land without any security for his rent; while he would not possess equal means with other creditors of obtaining his dues; and the greater insecurity would oblige him to raise his rents.

(*d*) That the landlord would require securities from the farmer; and thus a pernicious system of securities and mutual backing would arise.

4.—(*a*) That it would lower rents by eliminating those farmers who are designated "men of straw."

(*b*) That often those farmers who have risen from the ranks are the best, but yet, as they possess little or no capital, the landowner, if the law were abolished, would not feel justified in accepting them as tenants.

5.—(*a*) That at present, arrears of rent are often allowed to accumulate in consequence of the landlord's sense of security; this leniency could no longer be expected if the law were abolished; consequently many existing tenants would at once receive notice to quit; while in bad seasons the tenant could not, as now, count on receiving forbearance and assistance to tide him over times of adversity.

(*b*) That, therefore, many tenants would be ruined who might otherwise pull through; and both the tenants and the trades interested in agriculture would suffer.

6.—(*a*) That the landlord would not only lose his rent in the case of a bankrupt tenant, but, in addition, his land would probably have been greatly injured and diminished in value, while the other creditors at the worst would only lose the goods they had advanced.

(*b*) That other traders need not advance their goods, or can always cease to do so; the landowner must lend his land and cannot re-enter on it at any moment.

(*c*) That other traders have just as good an opportunity of ascertaining the solvency of a farmer as they have of gauging that of any other debtor; they are aware of the preferential claim of the landlord, and are therefore not wronged by the law.

(*d*) That in all trades some creditors have, or can obtain, preferential claims.

7.—That the more easily debts are recovered the better for commercial prosperity and morality; distress, therefore, should not be abolished, but greater facilities should be given to other creditors to recover their debts.

8.—That it would operate against leases if the landlord could not afford to allow any rent to fall into arrear.

[It is generally conceded that if the law of distress be abolished, the landlord must be given a more speedy right of re-entry than he possesses at present.]

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## TENANT RIGHT.

Before 1875 any improvements made by a tenant on his farm went by presumption to the landlord without compensation.

By the Agricultural Holdings Act of that year the tenant, if disturbed in, or resigning, his holding, became entitled to claim compensation for any improvements made on the farm by him. The Act was however permissive, and landlord and tenant could contract themselves out of it.

By the Agricultural Holdings Act of 1883, compensation was made compulsory, the measure of compen-

sation to be the value of the improvements to the incoming tenant; the county court being the final arbitrator. For permanent improvements the consent of the landlord is required; for "drainage," the landlord must do the work, otherwise the tenant has a right to perform it himself and claim compensation; for quickly perishable improvements the consent of the landlord is not required. Fixtures and machinery are made by presumption the property of the tenant.*

As thus tenant right is now compulsory, it has not been thought necessary to reprint the section, appearing in former editions, and which dealt chiefly with the question whether or no the Act of 1875 should be made compulsory.

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## NOTICE TO QUIT.

About two-thirds of the tenant farmers in England formerly held their farms on a six months' notice to quit, and before the passing of the Agricultural Holdings Act of 1875 they could be turned out of their holdings by a six months' notice. That Act permissively extended the notice to quit to a year; but

* It is objected to this Bill that it in no way protects the "sitting tenant" from an arbitrary increase of rent on his own improvements. On the other hand, it is urged that the landlord will be prevented from charging an unfair rent, through the fear that the tenant would quit and claim compensation; and that any other system must necessarily lead to a Government valuation of rents.

allowed landlord and tenant to contract themselves out of its operations; a principle also adopted in the Act of 1883.

It is proposed to repeal this power, and to make a year's notice to quit compulsory in every case.

The proposal to make a year's notice compulsory is upheld on the grounds*:—

1.—That the short notice acts as a deterrent to the tenant against investing his capital in the land; for he has no security that his rent will not be immediately raised in consequence of his improvements; and he has no inducement so to rotate his crops as to obtain the greatest production.

2.—That the landlord would not be in a worse position in consequence of the alteration, for as the tenant would receive compensation for unexhausted improvements, there would be no inducement to him to exhaust the soil before leaving; if he did exhaust the soil, the landlord could sue for breach of contract.

On the other hand, the usual six months' notice is upheld on the grounds:—

1.—That it is seldom enforced, except in the case of really bad tenants.

2.—That if a year's notice were substituted, the landlord would be at the mercy of a bad tenant; he could not get rid of him quickly, and could not prevent his exhausting the soil and doing great damage to the land during the time in which he was under notice to quit.

* The arguments for and against the question of "freedom of contract," as infringed by this proposal, are not given here.

3.—That the change would take too much power out of the landlord's hands; and would diminish his interest in his land.

4.—That it would act hardly on the tenant, by preventing him from surrendering his farm except on a long notice.

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## LOCAL TAXATION.

The incidence of Local Taxation has given rise to much discussion, and it is proposed that personal property should, equally with land, be locally assessed for taxation; or that Local Taxation should be further relieved at the expense of the Imperial Exchequer.

These proposals are supported on the grounds:—

1.—That land has to bear more burdens in proportion to its value than any other kind of property.

2.—That in addition, local taxation, as at present assessed and levied, falls unfairly on the land, and touches too lightly those who possess personal and realised property, or who are in trade.

3.—That these taxes are a great drag on agriculture; for no sooner is the land improved by buildings, drainage, &c., than the assessment is raised and the taxes increased.

4.—That the increase of rates injuriously affects existing contracts; the incidence of the rates may ultimately fall on the landowner, but until a revision of contract is made the farmer suffers.

The proposal to assess trade interests and personal

property at a higher rate for Local Taxation is also supported, on the grounds:—

5.—That the risks of farming are as great as those of other trades; and it ought not to be unfairly weighted.

6.—(*a*) That the conveniences and necessities made and supported from local taxation are used by, and advantage those possessing personal property, as much as the farmers and landlords.

(*b*) That in the matter of roads and bridges, the public, by means of tolls, formerly contributed their share to the expenses of repair, &c.; but now, tolls being abolished, the cost of maintenance is largely thrown on the land, and this is unfair, as the farmers chiefly use their own roads and lanes, and the high roads but little; that it would be possible to devise some description of "wheel-tax" which would fairly assess the incidence of the cost.

During the last few years Local Taxation has been relieved to the extent of about £2,000,000 a year at the expense of the Imperial Exchequer.

The further relief of Local Taxation at the expense of the general taxpayer, is also supported on the grounds:—

7.—That the incidence of the cost of elementary education is unfair on the farmer, inasmuch as he has to pay the education rate, while at the same time his labour bill is increased, for he is deprived of the children's services; moreover, the other employers of labour benefit as much or more than he does from the education, while they pay much less in proportion towards it. That it is unwise to make education seem to be against the apparent interest of the farmer; that education is a national, not a local affair, and

the whole of the cost should therefore be paid from the Imperial Exchequer.

On the other hand, any alteration in the incidence of Local Taxation is opposed, on the grounds:—

1.—That local taxation has tended to adjust itself, and it would be inequitable now to change the incidence of these taxes; land being a monopoly, the community would not gain, but would lose from such transference.

2.—That the farmers would not be gainers from any revision or lightening of local taxation, for rents would be proportionately raised.

3.—And that therefore it would be only the landlords who would gain; and the country cannot allow itself to be taxed for the benefit of a very small minority.

4.—That existing contracts have been made with the knowledge that local taxation might and would vary.

5.—That compared with fifty years ago, the rates are now far lighter in proportion to the rent and value of land—the increased value of which is largely due merely to natural causes,—and are therefore less of a burden than they have ever been.

The higher local assessment of personal property is further opposed on the grounds:—

6.—That it would be well-nigh impossible to levy a local tax from personal property for local purposes.

7.—That such a tax, if levied, must partake of the nature of an income-tax, with all its attendant evils.

8.—(*a*) That the expenditure of local taxation benefits chiefly the landlords and the farmers, and it would be unjust to make others pay equally for that which did not equally benefit them.

(*b*) That, as a rule, the farmers use the roads, &c., to a much greater extent than other traders, and should therefore pay the greater part of the cost; while at the same time they use the roads in the town districts for their carts, cattle, and sheep, and contribute nothing towards their maintenance.

9.—That the poor-rate levied on the land is but compensation for the enclosures of common land which deprived the labourer of his interest in the soil; and that as the poor-rate is an insurance against sickness and old age, farmers obtain their labour the cheaper in consequence.

The additional relief of Local Taxation at the expense of National Taxation is further opposed, on the grounds:—

10.—That by the transference of the cost of maintenance of the prisons and public lunatic asylums to the Imperial Exchequer, local taxation has already been relieved to a large and sufficient extent.

11.—That it would be very injudicious extensively to transfer local burdens to the Imperial Exchequer, for the inducement to local economy, or to the prevention of cause of expenditure, would be thereby greatly diminished.

12.—That the general taxpayer does largely help to support the cost of education, and the local taxpayer is only called upon to bear his just portion.

13.—That the farmer obtains a certain amount of relief from Imperial taxation, in that he is assessed for income-tax at a lower rate than the ordinary trader; while the landowner is subject to a lighter succession duty than the heir to personal property.

[Many, while in favour of alterations in the incidence and of relief to local taxation, deprecate action being taken until

the whole question of Rural Local Self-Government can be dealt with.*]

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## LEASEHOLD ENFRANCHISEMENT.†

It is proposed that the urban leaseholder, holding at a lease of over twenty-one years, should have the power of purchasing the freehold of his house at a fair price. The price, in case of dispute, to be decided by the County Court. The purchase for the unexpired term of the lease, to be subject to any covenants or restrictions contained in the lease.

This proposal is upheld on the grounds:—

1.—That as property—especially landed property—is held more or less for the convenience of the community at large, the State has always a right to lay down and vary the terms on which it shall be held.

2.—That there would be no confiscation of property—as a fair price would be paid.

3.—That it is not an interference with true "freedom of contract," but with a monopoly. Freedom of contract cannot exist where the two parties are not on terms of equality; while, when it does exist, it can be over-ridden on grounds of public polity.

4. (*a*) That the multiplication of freeholds, and the reduction in the size of enormous urban estates, would tend

* See section on Rural Local Self-Government, p. 94.

† In connection with this subject, the reader is recommended to refer to the First Report of the Royal Commission on the Housing of the Working Classes, 1885, especially to pp. 11, 22, and 59.

towards the stability of political institutions, and the rights of property.

(*b*) That the present absorption of town property in a few hands is unjust and injurious, and constitutes a serious social danger; while, as leases gradually fall in, the anomaly of the existing state of things will become more marked, and the danger consequently will be increased.

5.—That the system of "building leases," to which this condition of affairs gives rise, still further aggravates the evil of the monopoly, by placing town dwellers at the mercy of the freeholder and builder, and thus enabling these latter to charge exorbitant rents, to absorb the capital of the tenants without compensation, and to impose restrictive and irksome conditions.

6.—That the shortness of the usual building lease, and the system whereby the freeholder comes into the whole of the reversionary interest in the house, tends largely to degrade and ruin the building trade. The leaseholder is induced to build his house flimsily and economically, in order that it may last no longer than the term of the lease; consequently houses are run up in an unsanitary and dangerous condition, while the scamping of the work causes discomfort to the occupier and annoyance to the neighbours. That where it is a condition of the lease that the houses must be substantially built, the additional loss thereby incurred by the builder forces him to charge largely increased rents.

(*b*) That as the builder has not only to receive a fair interest on his outlay, but also such a return as will replace his capital within a limited number of years, he must charge an enormous rent in order to recoup himself.

7.—(*a*) That during the "tag end" of a lease the houses necessarily fall into great disrepair, to the injury of the health and comfort of the general community—for the lease-

holder will not, and the freeholder cannot, expend money on keeping them in a proper state of repair.

(*b*) That more especially is this the case in the poorer and most overcrowded quarters of London ; and there especially the "tag ends" of leases are bought up by speculative middlemen, who exact the highest rents, and undertake none of the duties and reponsibilities which ought to devolve on the landlord.

8.—That thus—by the scamping of work, and by causing houses to be allowed to fall into disrepair—there is great waste of capital, and danger to health.

9.—That the conditions usually imposed in building leases are not only irksome to the occupier, but tend to delay progress and improvement in town property.

10.—That there is thus, throughout, a dual and antagonistic ownership in the same property.

11.—That the ordinary system of leases has led to the worse evil of "leases for life," which paralyse all the energies of the lessee, and cause stagnation of enterprise, for no one will make improvements when their ownership depends on the life of another.

12.—(*a*) That the occupier, however anxious he may be to purchase his freehold, has, usually, no opportunity or possibility of being able to do so.

(*b*) That the power and possibility of purchasing the freehold of his house would conduce to thrift on the part of the working classes.

13.—That there would be no difficulty in providing against such use being made of the purchased house, as would adversely affect the value or comfort of the neighbouring property. At present, moreover, the local authority has power to prevent property from being used for purposes likely to cause a nuisance to the neighbourhood.

14.—That as building land is much more valuable than

agricultural land, owners would not refuse to apply suitable plots to building purposes.

15.—That unless the proposal be made retrospective, the evils of the leasehold system will continue unabated during the period of the existing leases—50, 60, or 70 years.

On the other hand it is contended:—

1.—That it is very inexpedient that Parliament should interfere with the ordinary operations of trade; and, unless under very exceptional circumstances, no interference with "freedom of contract" should be permitted.

2.—That if the State interferes with property, it must only do so in the interests of the general community; and it must take care that full compensation be given for any interference with private rights or property.

3.—(*a*) That the adoption of the proposal would not benefit the general community, but, on the contrary, would injuriously affect national and local prosperity and improvement, by placing restrictions on the free exercise, development, and investment of capital.

(*b*) That, moreover, by inducing freeholders to limit their leases to under twenty years, it would seriously aggravate, and in no way alleviate, all the evils of the leasehold system. While if the plan were applied to all leases, however short, it would put an end to many of the most necessary and convenient operations of trade and social life.

4.—(*a*) That in estimating the price, the prospective value of the freehold could not be adequately taken into account by the arbitrators.

(*b*) That improvements made by the owner to the whole property (streets, roads, open spaces, and general improvement of the neighbourhood) would not adequately be taken into account in estimating the value of a particular house.

(*c*) That, moreover, the general value of the estate would be seriously deteriorated by the purchase of some plots and not of others; while the freeholder would probably be left with the least valuable and saleable portions of the estate on his hands.

(*d*) That, further, a tenant after purchasing, might proceed to apply his premises to some trade which would injuriously affect the value of the surrounding houses; or he might purchase with a view of forcing the landlord, under threat of turning the house to some obnoxious purpose, to re-purchase at an exorbitant price.

(*e*) That as the lessee would have power to purchase at any time he chose during the duration of his lease, he might take advantage of a time of low prices; while the owner would have no corresponding advantage.

(*f*) That thus, in manifold ways, the freeholder would be injured, part of his property would be transferred to the lessee, and he would not receive full compensation for his loss.

5.—That it would compulsorily force the owner to produce and prove his title, to reveal his debts and encumbrances, and might thus do him serious injury;* while, after all, the lessee might not proceed with the purchase.

6.—That restrictions on use could not be imposed indefinitely; and if imposed only for a limited time, they would be only a temporary safeguard. At present the neighbouring tenants and the freeholder are protected from a nuisance by the control which the latter fully possesses over his own property; the freehold once passed out of his hands, his power would be gone.

7.—(*a*) That a large freeholder is more amenable to public opinion, and more able and willing to undertake general improvements, than the small freeholder. Moreover, if an

* See No. 7 of Registration of Titles to Land, p. 116.

estate were cut up into many separate freeholds, the extensive improvements now carried out to the benefit of the property, and the neighbourhood—such as making roads, setting back fronts, structural improvements, giving land for schools and churches, &c. &c.,—would not be undertaken.

(*b*) That flimsy buildings and scamped work are unknown on large freehold properties, for substantial buildings are there insisted on; while large freeholders are, as a rule, more generous and far-sighted than small.

8.—That instead of diminishing, it would aggravate the evils of high rents and overcrowding, for rich owners would refuse to let their land on building leases at all.

9.—That by preventing long leases, and the carrying out of comprehensive building schemes, it would especially injure the working classes, who could not afford to buy their freeholds, and who now often combine to form building clubs in order to erect a block of houses on long leases.

10.—That, moreover, the working-man lessee would be tempted to sell his reversionary interest in the purchase of the freehold to some speculative middleman.

11.—That at present public-houses are often suppressed as the leases fall in; under the proposed system, the brewers, who are usually the actual lessees, would buy up the freehold, and thus perpetuate the nuisance.

12.—That in American cities where small freeholders abound, there is as much poverty, overcrowding, and wretchedness as in the large towns of England, proving that the existence of leaseholds is not the cause of the evil.

13.—That in any case the proposal should not be retrospective, for that would be to insert into a bargain advantages to one side alone which were not taken into account when the bargain was struck.

# INTOXICATING LIQUOR LAWS.

A VAST amount of legislation has from time to time been promulgated, dealing with the different questions connected with the sale of intoxicating liquors. The aim of this legislation has usually been to restrict and safeguard the trade by checking and regulating its dealings, with a view to diminish drunkenness, and to preserve public order and morality; on the principle, that the State may interfere with freedom of trade in order to keep people out of harm's way, although the trade itself does not trespass on any individual rights.

In 1871, Mr. Bruce (Lord Aberdare) introduced a comprehensive measure of reform, which was intended:—To repeal in whole, or in part, forty or fifty Acts of Parliament relating to liquor traffic; to abolish the right of appeal from the decision of the local licensing justices; to compel greater care in the issue of new licences; to provide that all new licences should be advertised, and submitted to a vote of the ratepayers, a majority of three-fifths to possess the power of vetoing or reducing, but not of increasing, the number proposed; while at the same time it was to be the duty of the licensing justices to prevent the number of public-houses falling below a certain proportion to the population; to cause fresh licences to be disposed of by tender; to determine all existing licences after ten years, when they would come under the regulations applied to new certificates; to

diminish the hours of opening; and to increase the severity of punishment for adulteration. This Bill was withdrawn, but was followed, in 1872, by an Act, introduced by Lord Kimberley in the House of Lords, the main provisions of which, as passed, were:—To improve, by strengthening, the licensing boards, without departing widely from the existing system; to increase and consolidate the police regulations with reference to convictions for illegal acts, and the forfeiture of licences; and to curtail the hours of opening.

In 1874, Mr. (Sir Richard) Cross introduced the latest Licensing Act, which modified the Act of 1872, by:—Fixing the hours of opening and closing by statute, instead of leaving them to the discretion of the magistrates; by extending for half an hour the authorised hours of opening in some towns; by slight alterations in the police regulations, and the law of adulteration; and by curtailment of the power of search.

The public revenue derived from the liquor trade amounts, in one form or another, to about thirty-four millions annually.

There are now before the country divers schemes for dealing with the liquor trade, ranging from "free trade" in liquor to absolute prohibition of sale.

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## FREE LICENSING.

There are some who even now assert that the surest way of diminishing intemperance, without an undue interference in the trade, would be to allow "free trade" in liquor under certain necessary restrictions.

That is, they would allow any man who could give guarantees of personal character, and who possessed suitable premises, to open a public-house when and where he chose.

This proposal is upheld on the grounds :—

1.—That it would avoid the evils of a monopoly.

2.—That free competition (under suitable restrictions) would not tend to increase the number of public-houses, but would rather diminish it.

3.—That the general character and respectability of public houses would be raised by competition.

(Leaving out of account for the moment the arguments of those who are opposed to any State recognition of the liquor trade.) This proposal is opposed on the grounds :—

1.—That such a system would largely increase the number of public-houses.

2.—That it would deprive the inhabitants of a district of all opportunity of expressing their opinion on the question of the increase of public-houses in their neighbourhood, and of the power of limiting the number.

3.—That as the free-trade experiment, essayed under the Beer Act, has admittedly failed in its object, it would be no more likely to succeed if extended to public-houses.

4.—That any movement towards free-trade in liquor would be altogether opposed to the recent policy of restriction, which now meets with the general approval of the country.

## RESTRICTIONS ON THE LIQUOR TRADE.

Others are in favour of imposing considerable further restrictions on the sale of intoxicating liquors, while allowing the existing trade to continue; and would restrict the issue of licences; would shorten the hours of sale; would make the licensing authorities a more popular body; would grant to them a greater power of withdrawing or suspending licences; would increase the penalties against drunkenness; and would make the laws against adulteration more efficient and more stringent, on the grounds:—

1.—That where liberty leads to injurious abuse, it must be restricted.

2.—That far more licences have been issued than are required for the public convenience.

3.—That the present mode of issuing licences is unsatisfactory.

4.—That the supervision of public-houses, and the punishment of offending and disorderly publicans, is not enforced with sufficient stringency.

5.—That the hours during which public-houses are allowed to be opened might be curtailed, without actually interfering with the liberty or material convenience of the public.

6.—That drunkards being a curse, not only to themselves but to others, may without injustice be severely dealt with.

7.—That the laws against adulteration are inefficient, and imperfectly enforced.

At the same time they would consider that any legislation must be based on the principles:—

1.—That the public has a right to be supplied with convenient and respectable places of refreshment.

2.—That all interests which have been recognised and regulated by law, however qualified their nature or questionable their character, are entitled to just and fair consideration; and if injured by an alteration in the law must be fully compensated.

3.—That unjust and unnecessary restrictions or capricious dealings would be injurious, inasmuch as they would tend to drive away respectable men from the trade.

All these proposed restrictions are condemned; on the one hand, as leading to undue interference on the part of the State, and as difficult to put in execution; on the other, as an attempt to bolster up and sanction a trade which should not be allowed to exist.

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## PERMISSIVE BILL.*

Others would go further, and would allow a majority of the ratepayers in any district to prohibit altogether the sale of any intoxicating liquor in that district.

The vote of the majority (two-thirds is the number proposed in the Bill), whether it sanctioned or prohibited the sale of intoxicating liquors in the district,

* The Permissive Bill has been withdrawn in favour of "Local Option," but as that Bill expressed the desires of the extreme Temperance Party, it seems best to state the arguments which were advanced for and against it.

would be binding for a definite number of years (three years is the term proposed); at the end of that time the policy adopted would, by another vote, be either reversed or confirmed for a further period.

The principle of the "Permissive Prohibitory Liquor Bill" is upheld on the grounds:—

1.—That "whereas the common sale of intoxicating liquors is a fruitful source of crime, immorality, pauperism, disease, insanity and premature death, whereby, not only the individuals who give way to drinking habits are plunged in misery, but grievous wrong is done to the persons and property of Her Majesty's subjects at large, and the public rates and taxes are greatly augmented,"* the prohibition of its sale would be an unmixed good to the pockets, bodies, and souls of the people.

2.—That as the common sale does unmixed harm, no consideration of public revenue, or regard for vested interests, can justly be urged in opposition to its suppression.

3.—That the public income would not suffer from the extinction of the liquor trade; the people, relieved from its thraldom, and the waste and loss which it caused, would be better able to contribute to the revenue.

4.—(*a*) That it is impossible satisfactorily to regulate the sale of alcoholic beverages; and unless extinguished, its evils will continue unabated. State interference (though it may have slightly improved public order) has so far been powerless to diminish intemperance.

(*b*) That any attempt on the part of the State to regulate the trade gives it legal protection and sanction; raises up

* Preamble to Permissive Prohibitory Liquor Bill.

further vested interests; and depraves the popular standard of morals.

5.—That the present licensing system gives rise to much abuse, and has proved itself to be a complete failure.

6.—That suppression is quite compatible with legitimate free trade and rational freedom.

7.—(*a*) That as drinking and drunkenness greatly injure the inhabitants of a district (in rates as well as otherwise), it is right and expedient to confer upon the ratepayers of cities, boroughs, parishes and townships the power to prohibit the common sale of intoxicating liquors.

(*b*) That as a publican, before applying for a licence, is obliged to give, in the locality, public notice of his intention, it is evident that the principle of consulting local opinion in the matter of licensing has been already conceded; and the power of enforcing it should be granted.

(*c*) That localities have at present large powers of dealing with local matters, and there would be nothing novel or dangerous in conceding to them further power.

(*d*) That in the case of a harmful trade like that of intoxicating liquors, the wishes of the many should be allowed to outweigh those of the few.

8.—That the drunkard himself will welcome, and may fairly claim, aid in his efforts to avoid temptation.

9.—(*a*) That this is one of the points on which the relation of the State to its people should be that of a father to his children, not merely guarding their rights, but also keeping temptation out of their way.

(*b*) That the State should have a sense of moral right, altogether apart from the duty of guarding its subjects from being wronged; it is therefore neither right nor politic of the State to give legal protection and sanction to a demoralising trade.

10.—That in other countries—notably in the State of

Maine, U.S.A.—the absolute prohibition of the sale or possession of intoxicating liquors has worked beneficially.

The principle of the Permissive Bill is opposed on the grounds:—

1.—(*a*) That it is in no case the province of the State to withhold men from follies, but only to guard their rights and protect their persons. That as long as the State takes care to punish A., if by his excesses he injures B., it is doing its full duty, and should leave A. alone to ruin himself if he chooses.

(*b*) That the State would not be merely omitting to guard, but would be itself trespassing on the legitimate freedom of the people, in taking a harmless indulgence from Z. because A. finds it hurtful.

2.—(*a*) That it would be neither just nor expedient that the purchase, and moderate use, of liquor by the majority should be prevented, because there are some who abuse it to their own hurt, or that of others.

(*b*) That the adoption of the Bill would be a gross infringement of the liberty of all for the sake of a few; "it is better for the people to be free than sober."

3.—(*a*) That it saps the force and self-reliance of the people for their rulers to do for them, that which, by rights, they ought to do for themselves.

(*b*) That such attempts of the State to outstep its true field of work always miss their mark, and do unlooked-for mischief.

(*c*) That though liberty which leads to abuse may fairly be restrained, the abrogation of all liberty in the matter of drink would be followed by a sweeping reaction—and more harm would in the end be done.

4.—(*a*) That as the Bill would prohibit the sale only, and not the manufacture, importation, or possession of intoxi-

cating liquors, it is unsound in principle, and likely to prove mischievous or inoperative in practice. For it is not consistent for the State to prohibit the sale of an article, while it does not prohibit its manufacture, importation, or possession; either the article is so dangerous to the people that all dealings in it should be prohibited, or it is not sufficiently dangerous for the sale to be forbidden.

(*b*) That the Bill, while professing only to be directed against the common sale of liquor, would indirectly affect the common use of all alcoholic beverages, and so would affect the manufacture, importation, and possession of them; and the Legislature, while avowedly injuring one trade only, would injuriously affect others.

5.—That it would be illogical for the State to allow a trade to be tolerated in one district and to be prohibited in another; the trade is equally harmful or harmless in both. If it be pernicious, the State should prohibit it altogether; prohibition or toleration should not be left to the chance vote of the ratepayers.

6.—That it would be an improper delegation of the functions of Parliament to give to local bodies the absolute power of toleration or prohibition in this matter.

7.—That if the principle is conceded, that the ratepayers in a given district have the right to forbid a trade or calling of which they disapprove (though the trade may be perfectly lawful elsewhere), logically they could claim a right to forbid unpopular places of religious or political resort to be opened—and this could never be conceded.

8.—That the Bill contains no real element of representation; the popular will would only be able to act by a mass vote.

9.—That the districts in which restrictions are most needed, would be those least likely to adopt them.

10.—(*a*) That where one district in which the sale of alco-

holic drink had been prohibited, adjoined another where the sale was tolerated, the Bill would prove inoperative; there would be no difficulty in obtaining liquor.

(*b*) That where such escape from the letter of the Bill was difficult or impossible, prohibition would lead to the illicit and secret sale and consumption of liquor.

11.—That ceaseless agitation and strife would result from the (absolutely indispensable) provision that the adoption of the law should be from time to time subject to revision by the votes of the ratepayers.

12.—That the Bill, by making tenure less secure, and liable to constant fluctuations in public opinion, would unsettle the trade and give it a more speculative character, and thus would deter respectable men from the business.

13.—(*a*) That all vested interests which have been allowed to grow up in a trade must be protected, and if injured by the action of the State, must receive proper compensation.

(*b*) And that the amount of capital which has been embarked in the liquor trade is so enormous, that it would be imprudent and impracticable for the State to reimburse it.

14.—That after public-houses had been suppressed, and compensation paid, a change in the wishes of the ratepayers might re-open fresh houses, and raise up fresh vested interests, again to be compensated if suppressed.

15.—That drunkenness is gradually confining itself to the lowest classes, and will ultimately almost completely disappear; there is therefore no need for drastic measures, from which unforeseen evils may arise.

16.—That the restrictions proposed would be unfair on the working man, inasmuch as the public-house is his only social resort; while he is unable, like the wealthier classes, to lay in any store of intoxicating liquor.

17.—That though in certain points the present licensing

system may be with advantage reformed, it on the whole works in a satisfactory manner, and deals fairly and thoroughly with the issue of licences, while it is sufficiently subject to popular opinion and public criticism.

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## LOCAL OPTION.*

The abstract resolution termed "Local Option," which has been adopted by the House of Commons, runs as follows—"That this House is of opinion that a legal power restraining the issue or renewal of licences should be placed in the hands of the persons most deeply interested and affected—namely, the inhabitants themselves;" and it is usually understood to mean that the licensing powers should be largely extended, and handed over to the popularly elected governing body of the district already in existence, or to be created. No Bill founded on the resolution has as yet been introduced.

As no strict definition has been given of the meaning of this resolution, and as each one avowedly construes it in his own way, it is difficult to produce arguments for and against it on its own merits. The arguments in use include nearly all those already given on the question of the Permissive Bill† (and they will not be repeated), while they include also arguments

* "Local Option" was carried in the House of Commons in 1880 by 229 votes to 203; again in 1881; and again in 1883 by 264 to 177.

† See especially Nos. 5, 7, 8, 9 for, and Nos. 1, 2, 3, 5, 6, 10, 11, and 17 against the Permissive Bill.

on the question of the advantages or disadvantages of abstract resolutions—and with these we are not concerned.

The resolution is upheld chiefly on the grounds:—

1.—That the present licensing system is open to objection, both in its construction and in its working.

2.—That something should be done in the liquor trade in the direction of giving the inhabitants of each district a greater control over the issue and renewal of licences.

3.—(*a*) That the resolution is so vaguely worded that it commits its supporters to very little.

(*b*) But that if passed, it would become the duty of the Government of the day to introduce legislation on the subject, more or less on the lines of local control.

4.—That the question of compensation is one for future discussion; the resolution in no way excludes it.

On the other hand the resolution is opposed on the grounds:—

1.—That the present licensing system works well, and is administered by able and impartial tribunals.

2.—(By some.) (*a*) That "local option" is only the Permissive Bill in disguise, and might include entire supression of the trade.

(*b*) That if passed, the next step would be the re-introduction of the Permissive Bill.

3.—(By others.) That it does not go far enough; total suppression is the only way in which the evil can be met.

4.—That the resolution is so vaguely worded, that it is impossible to define its meaning.

5.—That unless the intention be to exclude all question of compensation, it should not be wholly ignored in the resolution.

6.—(By some.) That the evils of an arbitrary majority would be avoided, and the ratepayers would have a proper, sufficient, and satisfactory power over the liquor trade in their district, if they were allowed full control, subject to the limits of a fixed maximum and minimum above or below which licences might neither be granted nor refused.

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## GOTHENBURG SYSTEM.

Others believe that the best way of obtaining the ends in view, would be to adopt (in large towns at all events) the plan which is known under the name of the "Gothenburg System"—though the scheme proposed differs somewhat from that which prevails in Sweden.

This scheme would empower Town Councils in boroughs to acquire by agreement, or failing agreement by compulsion, the freehold of all licensed premises within their respective districts, and to purchase the leases, goodwill, stock, and fixtures of the present holders. It would further empower them, if they thought fit, to carry on the liquor trade for the convenience and on behalf of the inhabitants, but so that no individual should have any pecuniary interest in, or derive any profit from, the sale of intoxicating liquors. It would also empower the Town Councils to borrow money for these purposes on the security of the rates, and to carry all profits to the alleviation of

the rates. The power of the justices to grant licences would cease on the adoption of the scheme.

This proposal is supported on the grounds :—

1.—That as full compensation would be given for all interests affected, there would be no "confiscation."

2.—That as the local authority would possess absolute control over the issue of licences and the district liquor traffic, each locality could please itself as to the number of its public-houses.

3.—That while the number of public-houses would be greatly diminished, the remainder would improve in respectability and good management; as the manager would have no direct interest in the sale of the intoxicating liquors, and as refreshments, and non-intoxicating, or less intoxicating, liquors would be sold, the public-houses would gradually assume the character of working men's clubs, and eating-houses.

4.—That there would therefore be a diminution of intemperance, and a consequent decrease in crime and disorder.

5.—That as no one would benefit by supplying bad liquor, adulteration would cease.

6.—(*a*) That the undue influence of the publican at parliamentary and municipal elections would be eliminated.

(*b*) That if the public-houses were under the control of the municipality, they could be closed on the day of elections—to the promotion of order, quiet, and purity of election.

7.—(*a*) That the surplus profits would be applied to the relief of the rates; and instead of a few individuals, all the inhabitants of the borough would benefit from the sale of liquor.

8.—That the Town Council would be sufficiently sub-

ject to public control and criticism to prevent their unduly multiplying the number of public-houses, and to ensure economy and efficiency.

9.—That many Town Councils are already traders in gas, water, &c., and to transfer to them the management of the liquor trade would impose on them no novel obligations.

10.—That if a borough is willing to take the trouble, and run the risk, of introducing the scheme (since no vested interests would be unfairly dealt with), the State should allow the experiment. If it succeeded, a good example would be given ; if it failed, the loss would be local.

11.—That a scheme drawn on somewhat similar lines has greatly diminished drunkenness in Sweden.

12.—That without some more decided action on the part of the State, or of local bodies, intemperance cannot be effectually checked.

The scheme is opposed on the grounds :—

1.—(*a*) (By the extreme temperance advocates.) That the trade in liquor is universally pernicious, and no half-measures can possibly be effectual—it must be totally suppressed.

(*b*) And that, as the liquor trade is demoralising to those who conduct it, to hand the management over to the Town Councils, and thus to cast the responsibility of the traffic on the ratepayers as a body, would be highly objectionable.

2.—(By others.) That the temptation to obtain profit and thus to relieve the rates, would induce the Town Councils unduly to increase the number of public-houses.

3.—That the enormous preliminary expenses attendant on the acquisition of the property would never permit of any

profits being made from a trade conducted by a public body; instead of lightening, the inevitable trade loss would heavily burden the rates.

4.—(*a*) That a Town Council is a body eminently unfit to conduct so vast a business with economy and care.

(*b*) That an attempt to do so would lead to a great deal of jobbery and waste, and undesirable influence at elections.

5.—Some fear that the Town Council might entirely suppress the trade in a particular district, against the wishes of a large number of citizens.

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## SUNDAY CLOSING.

It is proposed to close all public-houses on Sunday in England. The law in England limits their opening to certain specified hours, while in Scotland and Ireland it closes them altogether on Sundays.

The proposal is upheld on the grounds:—

1.—(*a*) That there is much more drinking, with all its attendant evils, on Sunday than on any other day.

(*b*) That the bulk of the wages are paid on Saturday, and practically the only shop open the next day is the public-house; thus a great temptation is placed in the way of the working classes.

2.—That it is inconsistent and unjust that while innocent trades are prohibited on Sunday, this most pernicious trade is allowed to be carried on.

3.—That those employed in the sale of drink are entitled to be relieved from Sunday labour, the rather that they work a larger number of hours during the week than the law permits in the case of factory hands, &c.

4.—That the publicans themselves would hail a com-

pulsory closing Act; without it, competition compels them to open.

5.—That the Sunday Closing Act in Scotland and Ireland has worked very well, has greatly diminished drunkenness, and has increased the orderliness of Sunday.

6.—(By the extreme temperance body.) That the closing on Sunday would not only be a good thing in itself, but would also tend towards further limitations of sale.

On the other hand Sunday closing is opposed, on the grounds:—

1.—That the hours of opening on Sunday have already been greatly curtailed; and to close the public-houses altogether would be a gross infringement of the liberty of the subject.

2.—That total closing would lead to illicit sale of liquor.

3.—That it would lead to increased purchases of liquor on the Saturday for consumption at home on Sunday; and to excessive drinking on the Monday.

4.—That the upper classes have their clubs, &c., open on Sunday, and it would be unfair to deprive the poor of their only places of refreshment and social resort.

5.—That entirely to close the public-houses would cause extreme inconvenience to travellers.

6.—That it would be an infringement on the rights of the liquor trade, and cannot fairly be permitted without proper compensation.

7.—That as the Scotch and Irish chiefly drink whiskey, which can be kept without deterioration, they do not suffer much inconvenience by Sunday closing; while in England, where beer is much drunk, a store cannot be laid in without the certainty of its spoiling.

8.—(By some.) That Sunday closing in Scotland, and especially in Ireland, has not diminished drunkenness.

# DIRECT *v.* INDIRECT TAXATION.

THE retention of the Income-tax,* and the raising thereby of a large amount of revenue from direct taxation, is upheld on the grounds:—

1.—That our national expenditure is now so great, that it is impossible to forego the revenue derived from the income-tax.

2.—That it is less costly, and causes less interference with the processes of trade and manufacture, to levy direct than indirect taxes.

3.—(*a*) That indirect taxes fall more heavily in proportion on the poorer, than on the richer classes; and to redress this inequality, the upper classes should be directly taxed.

(*b*) (By some.) That it is not unfair to place an *ad valorem* tax on wealth—on the shoulders best able to bear it.

4.—That the chief use of the income-tax is to enable

* Since this section first appeared in 1880 (First Edition), the question of the retention or non-retention of the income-tax—brought prominently forward in 1874 by Mr. Gladstone—has been practically settled in the affirmative; and the further question is now rapidly coming to the front, whether the tax should not be graduated according to the amount and the character of the income; a proposal supported on the ground that, in consideration of the security which it enjoys, property should be called upon to pay a higher "ransom" than it does at present.

a large revenue to be easily raised on an emergency; to abolish it, would be to destroy the machinery by which it is raised, and to increase the difficulties of re-imposition.

5.—(By some.) That direct taxation being more evident than indirect, is more irksome, and thus, by stirring up resistance, tends to national economy.

6.—That there is no absolute unfairness in taxing at the same rate "incomes" derived from invested capital and those consisting wholly of earnings; invested capital is simply accumulated earnings which—as the income-tax has been now so long in existence—have already borne their share of direct taxation.

7.—That if the income-tax were recognised as a permanent part of our financial system, its incidence might be made more just, and the mode in which it is levied might be improved; so long as it remains a temporary tax, it is not worth while to reform it.

On the other hand it is asserted:—

1.—(*a*) That special taxes on wealth ought not to be levied; each member of the commonwealth should bear his fair share of its outlay, and indirect taxes, being levied on expenditure, fall in fair proportions on all.

(*b*) That all taxation, whether direct or indirect, by affecting the wage fund, ultimately affects the whole community, the working as much as the richer classes.

2.—That as along with representation should go liability to taxation; it is but fair that the greater portion of the revenue should be derived from indirect taxation, which alone falls on the bulk of the electorate.

3.—That one advantage of indirect over direct taxation is, that, as it is only levied on articles of "luxury," anyone who chooses can escape this portion of the burden of taxation by abstaining from the consumption of those articles.

4.—That the income-tax is an inquisitorial tax, inasmuch as it forces men to reveal their incomes, and in some cases to plead poverty in order to obtain exemption.

5.—That the levying of direct taxes leads to much fraud and deception; the honest pay, while the dishonest partially escape.

6.—That the income-tax is unfair, inasmuch as it taxes in the same proportion incomes derived from earnings and those derived from invested capital; and that from its very nature it is impossible to place it on an equitable basis.

7.—That the levying of direct taxes produces friction, which is inexpedient, as causing dislike to taxation.

8.—That direct taxation, not touching the poorer classes, does not bring home to them, as does indirect, the evils of war and national extravagance.

9.—That the power to raise an income-tax is a valuable weapon to retain against a sudden emergency, for it is a tax which can be raised quickly without any great disturbance to trade; but its special value is discounted, in so far as it is already utilised; more especially when the tax is, as now, increased on the slightest provocation.

# RECIPROCITY OR "FAIR TRADE."*

THOUGH the question of "Reciprocity" is but a "pious opinion," it may be worth while to give the arguments advanced for and against the proposal to impose reciprocal duties on foreign goods. The question of the re-imposition of a duty on corn, is not sufficiently within the range of practical politics to entitle it to discussion here.

A system of Reciprocity is supported on the grounds :—

1.—That Reciprocity is in no way "Protection."

2.—That free trade was intended to create a free interchange of goods all the world over; this result has not ensued, and therefore true "free trade" does not exist.

3.—(*a*) That while universal free trade would benefit the world, partial free trade injures the country which adopts it.

(*b*) That in consequence of their import duties, our trade to most of the chief protective countries has of late years shown a continual decline; while their exports to us continue to increase. Moreover, fostered by Protection, their

* The question of Reciprocity or "Fair Trade" is argued out in much greater detail (with figures, &c.) in the second edition of the *Political Manual*. In one of the Cobden Club Leaflets (published 1885), I have endeavoured to show by figures the *impossibility* of "Fair Trade."

export trade has of late, as a whole, increased in a greater proportion than ours.

4.—That reciprocity is the keystone to free trade, and without it the latter cannot exist.

5.—(*a*) That the universal adoption of free trade would be more probable if we retained in our hands the power, by retaliation, of forcing other nations to adopt it.

(*b*) That the imposition of reciprocal duties, would give us a leverage whereby we should be enabled to negotiate fair commercial treaties with other countries, be saved from their hostile interference or caprice, and in the long run, we should be "buying in the cheapest market and selling in the dearest."

(*c*) And that we should thus be less dependent on the foreigner for our supplies of food and goods.

6.—(*a*) That the welfare of the consumer is bound up with that of the producer; the purchasing power of the former depends entirely on the continuance of profitable industries at home. The disappearance of the producer would reduce the consumer to beggary. Most men are actual producers as well as consumers, while those alone who are consumers and not producers would suffer without compensating gain from reciprocal duties; and such persons are of little value to the country.

(*b*) That if commercial and manufacturing interests were protected, the whole nation would benefit.

7.—That though Reciprocity would cost the consumer something, the chief weight of the import duties would fall on the foreign importer; moreover taxes would be reduced by the amount of revenue derived from the duties. While even if the consumer had to bear the whole cost, he would be better off in the end, than if the manufactures and trades of the country were allowed to be ruined.

8.—That as our manufacturers are hampered by Factory

Acts, by heavy rates, etc., they cannot, without the help of partial protection, successfully compete with other nations.

9.—(*a*) That the rapid increase of late years in the wealth of Great Britain has not been due to the adoption of free trade, but to the invention of telegraphs, improvement in machinery, extension of railways, &c.

(*b*) That France and the United States have acquired their wealth in consequence of their system of Protection.

10.—That, as at present, we raise large revenues from import duties on certain articles, we are not really carrying out a system of free trade; and there would be nothing illogical in extending these duties.

11.—That our imports so largely exceed our exports that we must be consuming our capital, and are in danger of national bankruptcy.

12.—(*a*) That our policy of free trade alienates to a certain extent the affections of our Colonies; to prevent themselves from being undersold in their own markets, they are obliged to impose heavy protective duties.

(*b*) That free trade with our Colonies and dependencies, and reciprocal duties with other countries, would be the best system of trade, for it would increase the wealth of the Colonies, and more firmly unite them with Great Britain; whilst such a federation would give a powerful leverage in negotiating commercial treaties with other nations.

13.—That Great Britain alone has adopted free trade; and it is presumptuous to assume that we are in the right and all other nations wrong.

On the other hand, any imposition of reciprocal duties is resisted on the grounds:—

1.—That Reciprocity is simply Protection "in a fancy

dress"; any imposition of import duties must act as a protection to some industry.

2.—(*a*) That a policy of retaliation would be *impossible.** Our Imports (total 1884, £390,000,000) consist of Articles of Food (£133,800,000), Raw materials (£119,200,000), Articles of Consumption already highly taxed—wine, spirits, beer, tea, tobacco, &c.—(£28,500,000), Semi-manufactured Articles (£41,000,000), Wholly Manufactured Articles (£53,300,000), Miscellaneous (£14,300,000). Practically it is not proposed by Fair Traders to levy a duty on Articles of Food; the imposition of import duties on Raw Materials or Semi-Manufactured articles, would, it is acknowledged, greatly injure our own Manufactures, by raising the cost of production; the "Articles of Consumption" are already highly taxed for Revenue purposes, while the "Miscellaneous" cannot be taxed. Thus there remain, profitably, for purposes of retaliatory duties, only the imported Manufactures, which amount to about £50,000,000, but which, for the most part, consist of numberless articles of fancy wear, &c., which would not repay taxation.

(*b*) Of our Exports (total, 1884, £296,000,000), £240,000,000 are open to the attack of foreign countries by the imposition of additional, or retaliatory duties. Thus our powers of attack, as compared to foreign powers of retaliation, are, at the best, but in the proportion of one to five, making it practically impossible for us successfully to retaliate on foreign countries.

3.—That hostile tariffs are best fought with free imports.

4.—That though undoubtedly the protective system adopted by other nations injures our trade, even our system of partial free trade is better for us than none at all. We

* This argument (No. 2) is discussed at length in the Cobden Club Leaflet already mentioned.

import foreign goods free for our benefit, not for that of other nations.

5.—(*a*) That the law would be wronging the consumer if, for the sake of some possible profit to some possible producers, it prevented him from buying in the cheapest market.

(*b*) That the consumer has a right to buy where and how he likes, and the producer a right to sell where and how he can.

6.—(*a*) That the fewer the obstacles in the way of trade the better will it flourish; capital, if let alone, will find out the most profitable investment; while State interference would force it into some unnatural channel.

(*b*) That free trade enables us to "purchase in the cheapest and sell in the dearest market;" and any restrictions would alter this for the worse.

7.—(*a*) That it would be impossible to protect one branch of manufacture or commerce without protecting all, and thus prices would be raised all round.

(*b*) And consequently goods could only be produced at a greater cost, and we should be in a worse position to compete with other nations either in their own or in the neutral market, and thus we should lose our best customers; protective duties are injurious to the trade of the nation which imposes them.

(*c*) That though, for the moment, protective duties would benefit the manufacturer or farmer, the inevitable rise in the price of all commodities would soon make them worse off than before; while the landowner would absorb any benefit the farmer might hope to derive.

8.—That while Reciprocity is founded on the theory that the injury of one nation is to the benefit of another, the exact reverse is the truth; the wealthier a country becomes the more it will be able to purchase of other countries.

9.—That the imposition of protective duties would reduce our imports, and by the amount of that reduction would the power of other nations to take our exports be diminished.

10.—That the excess of the value of our imports over our exports indexes the amount of our foreign investments and wealth, and the profits on our trading and shipping, etc.; it does not in any way show that our expenditure exceeds our income.

11.—That though the extension of railways, &c., gave a stimulus to trade, its wonderful expansion has been caused by the abolition of protective duties. During the twenty years before the adoption of free trade our exports and imports were almost stationary.

12.—(*a*) That depression of trade has not been confined to Great Britain, but has been more severe in countries under Protection.

(*b*) That if it were not for free trade, and the consequent low prices, distress would have been more prevalent in Great Britain.

(*c*) (By some) That the depression in our trade is by no means so great as is generally supposed. In consequence of the fall in prices, such large profits are not indeed made, but wealth is more generally diffused.

13.—That the adoption of reciprocal duties would be an acknowledgment that we no longer believed in free trade.

14.—That it is perfectly compatible with real free trade, to raise revenue (i) by levying import duties on certain articles not produced at home, and therefore not competing with home produce or manufactures; (ii) by levying a custom duty equal to the excise duty imposed on articles of domestic production.

# CAPITAL PUNISHMENT.

The abolition of Capital Punishment is advocated on the grounds:—

1.—That human life is too sacred to be destroyed.

2.—That executions familiarise the public with slaughter, and thus rather promote than restrain murder.

3.—That the administration of justice being in the nature of things fallible, death, if inflicted at all, will sometimes be inflicted on the innocent.

4.—That the existence of the punishment of death for murder increases the difficulty of inducing juries to convict for that crime; while it leads to groundless pleas of insanity being raised and accepted, and consequently to the escape of some criminals from justice.

5.—That, to the would-be criminal, the prospect of penal servitude for life would be just as effective a deterrent as hanging.

On the other hand, the total abolition of Capital Punishment is opposed on the grounds:—

1.—That the State is justified in taking the most effectual means of preventing murder.

2.—That punishment is not solely intended for the prevention of crime, but is also a vindication of justice by society; and death is the just penalty of murder.

3.—That a murderer has, by his deed, forfeited all his right to mercy from the State.

4.—That as a murderer cannot with safety be allowed to work out his punishment and go free, there is no chance of his social reformation, and the State is justified in ridding itself of a pest.

5.—That if all fear of capital punishment were taken away, many minor offences, such as housebreaking, burglary, aggravated assaults, &c., would be more likely to lead to murders.

6.—That capital punishment must be retained as a last resource, otherwise there is nothing (except moral guilt) to deter a felon, sentenced to penal servitude for life, from attempting over and over again the murder of his gaoler.

7.—That capital punishment is now rarely inflicted, and only in aggravated cases of murder.

8.—That where there is any moral or legal doubt of the actual guilt of the criminal, capital punishment is now never inflicted; it is, therefore, almost certain, that no innocent persons suffer death at the hands of the law.

9.—That executions being now conducted in private, the public are not familiarised with a degrading spectacle.

# MARRIAGE WITH DECEASED WIFE'S SISTER.

It is proposed to legalise marriage with a Deceased Wife's Sister, on the grounds:—

1.—That these marriages are no breach of the law of God, whether written or unwritten.

2.—That they are no trespass on the rights of others.

3.—That therefore men should be allowed freedom in this respect.

4.—That kinship by marriage being in no way the same as kinship by blood, this concession would not lead to a demand for further relaxation in the prohibited degrees of affinity.

5.—That as the law, in the matter of succession duties, treats the sister-in-law as a stranger, it is illogical that, in the matter of marriage, it should treat her as a close relation.

6.—That the sister of the deceased wife is the most natural, and will be the most loving stepmother to the children.

7.—(*a*) That as only fifty years ago these marriages were recognised as valid for all practical purposes, and the children were considered as legitimate, public opinion has never been strongly against such marriages.

(*b*) And that consequently the law is often broken, and innocent children suffer from the brand of illegitimacy.

8.—That where the law is not broken, its restriction often leads to immorality.

9.—That these marriages are permitted in all other parts of the Empire, and consequently the prohibition in Great Britain leads to much scandal and inconvenience.

On the other side, the legalisation of such marriages is withstood on the grounds :—

1.—That the Levitical Law, and the Church, in consequence of her interpretation of the Levitical Law, forbids such marriages, and her prohibition should be binding.

2.—(*a*) That kinship by marriage is equivalent to kinship by blood, and any concession would lead to further demands for relaxation of the prohibited degrees of affinity.

(*b*) That any relaxation in the marriage laws would be dangerous to morality.

(*c*) That the restrictions on marriage are a mark of civilization, and to remove them would be a step back towards barbarism.

3.—(*a*) That it is the province of the law to save men from annoyance as well as to secure their rights; and great discomforts would arise from the legalisation of these marriages.

(*b*) That it would cause jealousy between the sister and the wife, and would lead to social inconvenience and loss of pleasurable social intercourse.

(*c*) That, except by the marriage, it would render the care of the deceased sister's children impossible by the sister-in-law ; while the marriage may raise up rival claimants for her affections nearer and dearer to her.

4.—That the change in the law is demanded merely by those, who having already broken it, wish to be absolved.

# SUNDAY OPENING OF MUSEUMS, &c.

It is proposed to legalise the opening of National or Local Museums, Picture Galleries, &c., on Sundays, on the grounds :—

1.—That as all contribute towards the maintenance of these buildings, it is unfair to close them on the only day on which the mass of the people can visit them.

2.—(*a*) That the contemplation of works of art and interest, &c., has a refining, elevating, and educating effect on the mind, and would be to the moral, mental and social advantage of the people.

(*b*) That the superiority which foreign operatives possess over the English in matters of taste and fine workmanship, is largely due to the opportunities the former possess of contemplating works of art, &c.

3.—That the opening of these buildings would constitute a powerful counter attraction to the public-house.

4.—(*a*) That the religious scruples of some should not stand in the way of the innocent enjoyment of others; none need frequent these places unless they choose.

(*b*) That the Divine injunction to the Hebrews to rest on the Saturday, can hardly be taken to imply that we may not contemplate works of art on the Sunday.

5.—That anything which tends to increase the innocent enjoyments of life should be encouraged.

6.—(*a*) That the opening of these public buildings on Sunday would in no way tend towards the desecration of the Sabbath—there is a vast difference between throwing open public buildings, and legalising the opening of speculative places of entertainment.

(*b*) That the so-called "continental" Sunday is due entirely to the general habits and manners of the people; and would in no way be attained or approached by the opening of Museums, &c., in England.

7.—(*a*) That the number of people who would be required to work on Sunday, in consequence of the opening of these buildings, would be insignificant, and would add very few to those who, for the pleasure or convenience of the public, are now obliged to work on that day.

(*b*) That therefore there would be no probability of any tendency towards Sunday labour.

8.—That the gain to the many should outweigh the inconvenience to the few.

9.—That where Sunday opening has been tried, as in the case of private collections, &c., success has attended the experiment.

On the other hand, the proposal is opposed on the grounds:—

1.—That it would be contrary to the Divine injunction to rest on the Sabbath.

2.—(*a*) That the proposal is only the thin end of the wedge; if "free" places are thrown open on Sunday, theatres and speculative places of amusement would soon be also opened on that day, and the Sunday would gradually tend to become "continental."

(*b*) That consequently the working classes would ultimately be expected to work seven days a week—probably without any increase in wages.

(*c*) That the absolute rest on one day in seven has greatly benefited the nation both physically and morally.

3.—That those who would attend these places, are not those who frequent public-houses—no counter-attraction to the public-house would therefore be constituted.

4.—That in any case it would involve a large amount of work on Sunday on the part of the custodians of these buildings, and it is unfair to demand such labour from some merely to give pleasure to others.

5.—That even if it be in the abstract advisable, such a change should not be undertaken without the manifest wish of the vast majority of the working classes—who alone would be affected—and at present the majority are opposed to the opening.

# CREMATION.

It is proposed to regulate and control Cremation* by placing crematoriums under the control of the Home Secretary, to be governed by regulations made by him. A certificate of the cause of death to be produced before cremation can take place, and an independent inspection of the body to be made by an official.

The adoption of this proposal is supported on the grounds :—

1.—(*a*) That the living ought to be considered rather than the dead.

(*b*) That the present system of burial is injurious to human life, by overcrowding the graveyards, by permeating them and their environs with noxious matter and gases, and more especially by the filtration into water, etc.

(*c*) That, especially at a time of epidemic, the careless burial of an infected body is likely to lead to a spread of disease—while it is just then that great care in burial cannot and will not be taken.

2.—(*a*) That the formation of burial-grounds is becoming a very serious and increasing difficulty in populous places.

* A legal decision was given in 1884 that it is lawful to cremate a dead body, and that cremation cannot be interfered with except it be carried on in such a way as to make it a public nuisance.

(*b*) That a vast number of graveyards which used to be extra-mural, are now surrounded by houses.

3.—That no form of burial can do more than retard decomposition: the process in any case is practically identical. But cremation is purification, while ordinary burial is putrefaction—a quick-burning fire against slow decay.

4.—That though the richer classes can obtain decent interment, the burial-grounds of the poor (in populous places) are too often mere pits of putridity. The poor are buried in very perishable coffins, which are scarcely separated from one another, are barely covered with earth, and are dug up again before final absorption.

5.—(*a*) That there is nothing unseemly about cremation if carried out under proper regulations; the "frosted silver crystals," to which the body would be reduced, are not offensive, and could be preserved.

(*b*) That cremation could be carried out with perfect decorum, and in harmony with religious sentiment, and accompanied with religious services.

(*c*) That public sentiment would not be shocked; and even if public prejudice were at first offended, it would soon be overcome, and the advantages of cremation would be speedily recognised.

(*d*) That great stumbling-blocks* have been thrown in the way of the utilization of existing crematoriums; the small use made of them is therefore no criterion of the popularity to which they would attain under proper regulations and legitimate encouragement.

6.—That while doubtless there is much legitimate sentiment about a family graveyard and a village church,

* The late Home Secretary—Sir R. Cross—acknowledged in debate, April, 1884, that he had (illegally) endeavoured, at the Wokingham Crematorium, to prevent cremation taking place.

this sentiment is necessarily absent when the remains have to be conveyed to a distant cemetery and placed among strangers, with none to care for or reverence the grave.

7.—(*a*) That the proposal is purely permissive—no one need be cremated against their own will, or that of their relatives; while it is eminently selfish to refuse guarantees for decency and propriety to those who, by themselves or their relatives, desire to be cremated.

(*b*) That all that is desired is that cremation should be regulated, improved, and licensed. Cremation ought to be either regulated or prohibited, at present it is permitted but not regulated.

8.—(*a*) That cremation would not encourage poisoning or foul play, but, on the contrary, the stringent regulations proposed would deter malefactors from attempting to cremate the bodies of their victims, for by reason of the certificates, and the independent examination required, poisoning or violence would run great risk of detection.

(*b*) That at present the burial laws are so defective, that 30,000 persons — chiefly children—are buried each year without proper death certificates, or any certificate at all, and thus poisoning and foul play are encouraged.

(*c*) That in any case of suspicious circumstances—or always, if thought advisable—it would be easy to retain the viscera for subsequent analysis.

(*d*) That the detection of organic poisons is under all circumstances very difficult and uncertain, while the mineral poisons would still be easily detected.

(*e*) That arsenic, though partly consumed by fire, still retains ample matter for analysis and detection.

(*f*) That the putrefying body itself forms certain poisons, while it also chemically acts on most poisons; so that, even a short time after death, it is difficult accurately to ascertain by physiological tests the presence of poison.

9.—That at present bodies are very seldom exhumed.

10.—That with cremation detection may occasionally be baffled, but this result often occurs under the present system.

On the other hand it is urged:—

1.—(*a*) That public experience and opinion, sentiment and associations, are wholly opposed to cremation; it would be repugnant to public taste as a supposed sacrilege, and violation of the tomb.

(*b*) That more especially among the poorer classes, the belief in the actual resurrection of the body, would make cremation seem a dangerous heresy.

2.—That it is useless to legislate for a reform of which no one would avail themselves. The existing crematoriums have practically not been used at all—thus proving that public opinion is decidedly against cremation.

3.—That there is no real difficulty in finding sufficient burial ground; the amount of space required is an infinitesimal fraction of the available land, while after a few years the burial grounds become re-available.

4.—That the danger to health of existing graveyards is much exaggerated, and is practically non-existent.

5.—(*a*) That cremation would greatly facilitate and encourage poisoning and foul play by preventing subsequent exhumation and detection. The murderer would feel perfectly safe after cremation had taken place.

(*b*) That it is not the actual exhumation, but the knowledge that exhumation may take place, which checks poisoning, &c.

(*c*) That "poisoning by arsenic is one of the commonest things in the world;"* and arsenic is largely dissolved by fire, only a very small trace remaining.

* Sir W. Harcourt, as Home Secretary, in Cremation debate, April 30th, 1884.

(*d*) That even if poison were discovered after cremation, authentic identification of the body, and consequent conviction of the poisoner, would be almost impossible; while all traces of violence would be destroyed by cremation.

(*e*) That public opinion would never tolerate the disembowelling of all the dead in order to prevent poisoning; and suspicion of foul play often does not arise until some time after death.

(*f*) That the proposed extra inspection of the body would be perfectly illusory; without a post-mortem examination it would not as a rule be of any use, and this could not be obtained without considerable expense; and where suspicion was already aroused the inspection would be superfluous.

(*g*) That even if poisoning and foul play were not actually encouraged, the public would believe that they were, and a sense of danger and insecurity would be thereby engendered.

6.—That in India and elsewhere, where cremation takes place, poisoning is known to be of very frequent occurrence.

7.—That while it may be advisable and necessary to amend the laws relating to burial, and to require more stringent regulations, &c., this is a matter wholly apart from cremation.

8.—That while cremation used at one time in the world's history largely to prevail in civilised countries, for the last fifteen hundred years it has been extinct—proving that experience and opinion are opposed to it.

9.—That the Home Secretary has already far too many duties to perform, and to place on him the duties and responsibilities of controlling crematoriums would be to overtax his office.

# IRELAND.

## HOME RULE.*

It is proposed to give to Ireland an independent national existence, by restoring to her a Parliament in Dublin, which should have power to legislate on, and to regulate her Home affairs, leaving "Imperial" questions to be dealt with by the Imperial Parliament, sitting in London.

This proposal is upheld on the grounds:—

1.—That it is desirable to institute some middle course between separation on the one hand and over-centralisation on the other.

2.—(*a*) That each country is best able to manage her own domestic concerns; and should have liberty to do so.

(*b*) That it is undesirable for one country virtually to control the domestic affairs of another.

(*c*) And this is more especially undesirable when the two countries differ radically in sentiment, character, and religion.

(*d*) That the control of the domestic affairs of one country by another tends to emasculate its strength and stunt its growth.

3.—(*a*) That federalism, that is to say the separation of

* There is no defined proposal of Home Rule actually before the country.

Imperial from National and Local questions, is the finished production of civilization and political ingenuity.

(*b*) That federalism is in existence, and works well in many foreign countries.

(*c*) And that parts of Great Britain herself, the Channel Islands and the Isle of Man, are self-governed without any evil results arising.

(*d*) That the Colonies are self-governed, and yet loyal and prosperous.

4.—That the vast majority of the people of Ireland detest the present mode of government by England; and to force a system of government on a reluctant people, is contrary to constitutional freedom.

5.—That the present state of affairs constitutes a grave political danger. Even when England is at peace, a large force is needed to keep Ireland in order; in time of war, and especially of defeat, Ireland would welcome a descent of the enemy on her coasts, and willingly allow herself to be made a base for offensive operations. On the other hand, if Ireland were self-governed and content, she would be a source of strength.

6.—(*a*) That the action (the legitimate, if mistaken action) of the extreme Irish Party in the House of Commons creates grave constitutional dangers, by obstructing legislation, by bringing Parliament into disrepute, by lowering the tone of the House, and by driving from it many useful members.

(*b*) That until Home Rule is conceded, this state of affairs is likely to get worse instead of better. The number of "Parnellites" will increase, and their quality will still further deteriorate, as the Irish realize more and more that the best mode of exasperating the English people is to elect members devoid of moderation, modesty, and manners.

7.—(*a*) That the present system of centralized—almost autocratic—government in Ireland, however well adminis-

tered, is becoming more and more intolerable. Everything is done *for* the Irish people and nothing *by* them.

(*b*) That in Parliament itself those who have least real influence in Irish legislation are the representatives of the Irish people.

(*c*) That more especially in the House of Lords all Irish legislation is thrown out or grievously mutilated.

8.—That as Ireland has proved a complete failure under English tutelage — the necessity for constant Coercion Acts proves the failure—it is time to try some other plan; nothing could be worse than the existing state of affairs.

9.—(*a*) That the present necessity of transacting all Irish domestic concerns in London causes needless expense and vexatious delay.

(*b*) And that it causes the postponement or neglect of many useful and needful reforms, while the interests of agriculture and trade suffer.

10.—That as the Imperial Parliament is confessedly becoming more and more overweighted with work, the transference of Irish affairs to an Irish Parliament would greatly relieve it, and increase its efficiency for the despatch of business.

11.—(*a*) That the existence of an Irish Parliament would in no way diminish the supreme power of the Imperial Parliament. The Irish Parliament would have control only over questions other than Imperial, the Prerogative of the Crown would not be affected, and the real Union of England and Ireland would remain intact.

(*b*) That as the limits and extent of the powers of the Irish Parliament would be strictly defined, there would be no danger of their being overstepped; and there need be no collision with the Imperial Parliament.

12.—(*a*) That the concession of Home Rule, by removing Irish grievances, would put an end, once and for all, to

agitation for separation. If moderate Home Rule be refused, separation will ultimately be wrung from England —probably at a time of defeat and prostration—for as the great majority of the Irish are in favour of the abrogation of the Union, the supremacy of the Imperial Parliament is maintained solely by the force of English bayonets.

13.—(*a*) That the old Irish Parliament, though returned by a corrupt and limited electorate, did a vast amount of useful work, and a successor, constructed on better lines and sounder principles, would be eminently efficient.

(*b*) That even if there were considerable friction and no great success at first,—and as the Irish have so long been kept under tutelage they have little idea of self-government, and would have to buy their experience—a satisfactory mode of government would soon be worked out.

14.—(*a*) That such a body would tend to attract the best men in the country to its councils; and this would not be the case with smaller bodies.

(*b*) That possessed of a Parliament of their own, the Irish would desire to make it a success, and would elect men of administrative and legislative capacity, and not men of the class of the obstructives they (judiciously) send to the English House of Commons.

15.—(*a*) That an Irish Parliament, by bringing together men of different classes and religions to conduct public business, would largely tend to diminish class and religious hatreds and jealousies, and to knit all parties together into one common unity.

(*b*) That the different sects in Ireland would be perfectly able to live together on terms of amity.

16.—That by making Ireland more attractive, contented, and prosperous, Home Rule would diminish absenteeism and its attendant evils; would diminish emigration; and would tend to attract capital to the country.

17.—That Scotland has not suffered materially from the lack of Home Rule, inasmuch as Scotch affairs are practically settled by the Scotch members alone.

On the other hand, any concession of Home Rule to Ireland is opposed, on the grounds:—

1.—(*a*) That federalism is a clumsy system, while centralisation, properly balanced, is the highest form of government.

(*b*) That the principle of federation is to knit the confederate communities more closely together, whilst Home Rule is intended to relax a pre-existing bond; the one is consolidation, the other disintegration.

(*c*) That between countries so widely differing in sentiment, character, and religion, as England and Ireland, federalism is impossible.

(*d*) That the various forms of federalism existing in foreign countries differ radically from that proposed for Ireland; and there is no analogy between them; while most of these Federations have passed through phases of internal agitation, which, if the federated kingdoms had been in the relative positions of England and Ireland, would have ended in civil war.

(*e*) That the Colonies stand in an entirely different relation to England, geographically and socially, from that of Ireland; the Home Rule they possess bears no analogy to that demanded by Ireland. Not being represented in Parliament, the Colonies must needs possess a large measure of self-government; while Ireland, being vitally interested in all Imperial questions, would never consent to be placed on the footing of a Crown Colony, which governs itself but which is not represented in Imperial matters.

(*f*) That if, by conceding Home Rule to the Colonies,

separation were to ensue, it would be a misfortune, but the advantages outweigh the risks; in the case of Ireland the risk is too great to be run.

(*g*) That the Channel Islands, and the Isle of Man, are so small and insignificant, that no possible danger can arise from their exercise of self-government.

2.—That even with Home Rule, the Imperial Parliament would not be free of the Irish element, which would have to be represented in Imperial matters; that thus the Irish would have more than their fair share of political power, while the only condition on which many would assent to Home Rule—to be quit of the Irish members—would not be fulfilled.

3.—(*a*) That the principle of a federal system cannot be discussed without reference to its details, and the Home Rulers themselves are unable to agree on any one scheme, or to lay down the limits of the power of the Irish Parliament.

(*b*) That there is thus no finality about Home Rule.

4.—(*a*) That it would be impossible strictly to define the limits and powers of an Irish Parliament.

(*b*) For it would be impossible to draw the line between local, domestic, private, and Imperial matters; and constant disputes would arise on the subject.

(*c*) That only questions of detail can be settled by local bodies; questions of principle must be settled by the whole nation on the broadest basis.

5.—That it would be impossible to fix a "fair" contribution from Ireland to the Imperial Exchequer; the amount that might be just one year would not be so the next; while in years of distress abatement might be demanded, coupled with a refusal to pay; moreover, the difficulties of fairly apportioning the national debt would be enormous.

6.—That either the Imperial Parliament would overshadow the Irish Parliament, and make it of little account,

or constant conflicts would arise between the two rival bodies.

7.—(*a*) That the concession of an Irish Parliament would involve the creation of a third, and supreme body, to arbitrate between the two Parliaments in case of dispute; and this, even if possible, would be inadmissible.

(*b*) That this would involve a strictly defined and written constitution for the Imperial, as well as for the Irish Parliament; inexpedient and impossible to carry out.

8.—That the Imperial Parliament, or the "Supreme Body," would have no means of compelling Ireland to adhere to the terms of the federal compact, except by levying war.

9.—(*a*) That each concession would lead to further demands, and if these were refused, the friction between the two countries would be as great as before, and the danger of civil war would arise; while, if conceded, Ireland would gradually obtain complete independence.

(*b*) That the first demand of the Irish Parliament would be for the control of the police and militia, which would have of necessity to be refused; this would at once cause irritation, and a dead-lock.

10.—That the existence of a powerful central body in Ireland would create a rallying-point for disaffection; and make an insurrection more formidable than at present.

11.—(*a*) That there would be no security that matters vitally affecting British commerce—lighthouses, buoys, etc. —would be kept in a state of efficiency.

(*b*) That the Irish Parliament—following the example of all young communities—would be protectionist.

12.—(*a*) That, thus, Home Rule would seriously menace the integrity of the British Empire.

(*b*) That until it can be satisfactorily shown that the concession of Home Rule will in no way menace the integrity

of the Empire, the question is one outside the range of practical politics.

13.—That Home Rule is only intended as the thin end of the wedge of separation.

14.—That instead of the legislation of an Irish Parliament tending towards the assimilation of the laws in England and Ireland, it would tend rather towards inequality and anomaly.

15.—(*a*) That an Irish Parliament would confiscate all the property of the landlords.

(*b*) That religious antagonism in Ireland is so bitter, that if control were withdrawn, strife would ensue; and the Roman Catholics, being the majority, would swamp and oppress the Protestants, and religious hatreds and jealousies would be intensified.

(*c*) That civil war would probably ensue, and we should have again to interfere and take possession, and the last state would be worse than the first.

16.—(*a*) That the Irish have never yet shown themselves capable of self-government—as witness the former Irish Parliament.

(*b*) That they have not sufficient regard for life, order, and property, to make them fit for self-government—witness Fenianism, agrarian crime, refusal to pay rent, &c.

17.—That an Irish Parliament would weaken the self-reliance and self-help of the Irish nation by paternal and charitable legislation.

18.—That Home Rule would create a feeling of commercial insecurity, and thus capital would be further repelled from Ireland.

19.—That Scotland is contented and prosperous without Home Rule.

## IRISH LOCAL SELF-GOVERNMENT.*

Many, who are opposed to Home Rule, would be willing to concede a large measure of local self-government to Ireland (while making equal concessions to England and Scotland), on the grounds—

1.—That Parliament is overworked, and requires relief from the necessity of legislating on private and local affairs.

2.—That the necessity of bringing these matters before Parliament leads to much waste of time and money.

3.—That Parliament has already, at different times, divested itself of many of its functions, such as drainage, sanitation, constabulary, &c., and there would be nothing unconstitutional or dangerous in going yet further in that direction.

4.—That if in Ireland large, powerful, and representative local bodies were created to manage local and private affairs, all the advantages attendant on Home Rule (proper legislation for the country, &c.) would be attained, and the dangers (nucleus of revolt, clashing with Imperial Parliament, &c.) would be avoided.

5.—(*a*) That at present everything is done for the Irish by the Central Government, and thus their self-reliance and power of application are weakened; while their local affairs, being directed from a distance and by a central body, are inefficiently and extravagantly managed.

(*b*) That to allow the Irish to manage their own local

* Cf. also the section on Local Self-Government in England, p. 94.

affairs would, by giving them an interest in public work, and by making them more independent, do much to render them more contented and loyal.

6.—That there would be no difficulty in strictly defining the powers and limits of such local bodies.

# INDEX.

THE END.

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